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ABSTRACT

Results of a self-study conducted by Villanova University, Pennsylvania, on the impact of government legislation and regulations are described. A committee studied the issues and sought the opinions of faculty, administrators, and students. Financial impacts of governmental programs and effects of affirmative action and student rights programs/requirements were assessed. The impact of government policies on research at the university, although involving only a few departments, was evaluated. Other governmental policies that affect the university, including federal reporting requirements, national labor policy, and state coordination were considered, as were grade inflation and economic inflation, which are affected by governmental policies. It was found that the student body has grown somewhat larger because of the availability of financial aid, but has remained almost wholly white and middle-to-upper class. Of the university components, the financial aid office has been the most affected by governmental policies. It is suggested that the failure of federal programs to have a significant impact on the university is because the regulations came some time after major changes in the society as a whole. It is felt that federal programs are often, and often needlessly, confusing and contradictory, and occasionally irrelevant, and that state programs often only compound the difficulties: there are too many agencies with no central coordination of their activities. Enclosures and appended materials include sample surveys, affirmative action application response sheet, and a waiver of access form from the health professional school. (SW)

ED184462

THE IMPACTS OF THE FEDERAL GOVERNMENT
ON VILLANOVA UNIVERSITY:

A Self-Study in Cooperation with the Alfred P. Sloan
National Commission on Government and Higher Education

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Submitted by

Professor Joseph W. Dellapenna,
Director of the Villanova
Self-Study

HE 012484

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I INTRODUCTION: VILLANOVA UNIVERSITY

Villanova University is a private, Catholic university administered by priests of the Order of St. Augustine. It was chartered as a college in 1848, offering degrees in the areas of Liberal Arts and Science, which area today is still the largest college of the school. A century of steady growth followed, including the addition of professional colleges of Engineering, Commerce and Finance, Nursing, and Law, as well as University College (for part-time studies) and the Graduate School. This culminated in the amendment of Villanova's charter in 1953, giving it University status. The University became fully coeducational in 1969.

The University clearly reflects its century of history. It was founded in the hills west of Philadelphia, in part because of the anti-Catholic riots in that city in 1844. At the time the area was rural and remote. The coming of the Pennsylvania Railroad's commuter trains (the main line of which has a station on campus) after the civil war provided easy access to the city. This also brought about a development of the area into one of the most attractive and well-to-do residential areas on the East Coast. As part of this development a large number of other colleges (some of them, like Bryn Mawr and Haverford Colleges, of national repute) were established at the various train stops, as well as boarding schools and private non-residential schools for elementary and secondary school-aged children. This offered both a competitive, and a supporting, environment in which Villanova grew.

Villanova today occupies a campus of about 200 acres of prime land astride the "main line." The campus has 33 buildings, most of them large, stone structures, more than 40% of which are less than 25 years old. Nonetheless, much open space remains on campus. Only a small portion of the open space is used for parking. In 1976-1977, 9,409 students were enrolled in courses at Villanova, over 6,200 of whom were full-time students. 2,415 students (including 636 in the School of Law) were in graduate programs. The faculty of the University now includes 374 full-time teachers, 64% of whom hold doctorates.

Villanova's operating budget for 1976-1977 was \$29,187,000. With an endowment of only a little more than \$9,000,000, 75% of the funds necessary to meet these expenses had to be provided by student fees, while less than 3% came from gifts or grants (both public and private). As a result, tuition for 1976-1977 was \$2,850 for a full-time student while room and board averaged \$1,800 for the year. The average cost of going to school here actually may have been somewhat higher since on-campus housing was provided for only about 40% of the full-time students. The rest must compete for housing along the Main Line, and housing near Villanova is particularly attractive (and expensive). The commuter rail line provides ready access from less expensive areas, but at a cost which can amount to several hundred dollars/year even at student discount rates. Total costs to a student remain well below those of Ivy-League schools, as well as much above the nearby state schools. These costs go a long way toward defining the student body, which is largely white and upper-middle to middle class. Some effort has been made to

diversify the students, however, including the recent decision to go coeducational. Geographically, the student body is still largely drawn from the Middle Atlantic area.

Religion still plays an important, but changing, role on campus. As recently as 20 years ago a majority of the faculty were priests. Today only 25 out of 400 faculty are priests. The offices of Chairman of the Board of Trustees and the Vice-President for Academic Affairs have only recently been given to laymen, although all other Vice-Presidents and the President are Augustinian fathers. All undergraduates are required to take courses on religious studies (the number of such courses required varies in the several colleges). No religious test is required for either faculty or students, while the Religious Studies requirement can be satisfied from a variety of electives extending as far as Judaism and Oriental religions. Even these courses today are not all taught by priests. Priests and nuns are still housed on campus, both in order to study and to provide services, but students now operate in a predominantly lay environment. This mixture provides the identifying personality which the University presents to its several constituencies.

II OVERVIEW OF THE STUDY

This study was commissioned by the Alfred P. Sloan Foundation as one of 23 preliminary studies for the National Commission on Government and Higher Education. The costs of the study were born by Villanova University as a contribution to the National Commission. The Director of the Villanova Study was Professor of Law Joseph W. Dellapenna.

Professor Dellapenna was appointed to head the study on June 9, 1977. A committee of 15 others was also appointed that day to work with Professor Dellapenna (see Enclosure 1). One meeting was held of the Committee, but otherwise the Committee members functioned through individual communications with the Director. Each Committee member was a high-level administrator at the University. Each was charged to report on the extent and effect of governmental policies on the area of his or her own responsibility (Enclosure 2). They were told that the primary focus would be on the federal government, although they should report on state programs which affected their responsibilities in major ways, particularly if the state interacted with the federal policy.

Initially the study borrowed heavily from the materials provided concerning the George Washington study. As the study progressed, the conference of Sloan study Directors in Boston, the preliminary reports from Committee members at Villanova, and extensive interviews of the Committee members and others by the Director resulted in some redesigning of the study to reflect the particular structures and experiences of Villanova (Enclosure 3).

The results are a set of final reports by the Committee members which are one of the primary bases of this report.

The second major basis of this report is personal interviews of the designated administrators and some others (faculty, students, or administrators) by the Director (Enclosure 4). Interviews of administrators generally lasted an hour or more, and included every Committee member. There was no set format of questions as the interview was based on the preliminary report which most had submitted before the interview. Certain general topics were raised, however, in most interviews, generally relating to the tone of the campus and the extent of any governmental contribution to this tone, to the costs (financial and other) of compliance with governmental regulations, and to the value of the governmental policies to the campus.

As an aid to the administrators on the Committee, the Director prepared a Compendium of Relevant Federal Regulations. These were the up-to-date official texts of the relevant statutes and regulations of greatest general interest to the University. Certain major items (such as OSHA regulations) were omitted because of their bulk and specialized effects. A copy of this has already been submitted to the National Commission.

As the study was not begun until almost after three weeks after commencement, some difficulties could be expected with reaching faculty and students. When summer school was well under way the Director discussed with several administrators the feasibility of a faculty survey. The Director then prepared

a survey form (Enclosure 5). This form was discussed with others on the Committee and with some persons not on the Committee. The form was then distributed through Department Chairmen to the faculty with about 10 days given for a response. 81 faculty members and two coaches (who do not have faculty status) responded. A few faculty were also interviewed. The survey form certainly could have been refined to more clearly develop the information sought. Timing was also a problem. Nonetheless, the consistency of the responses received indicates that the information received was probably accurately representative of faculty perceptions.

No systematic attempt was made to include students given the time during which the study was executed. A few interviews with students failed to disclose any particular awareness on their part of changes brought about by government programs.

All the material derived from the foregoing sources was then combined by the Director in the following report. A preliminary draft of this report was circulated among the Committee members, and after revisions based on their comments and those of the University President, this final report was presented to the Sloan Foundation's National Commission on Government and Higher Education.

ENCLOSURE 1

M E M O R A N D U M

TO: Dr. James J. Cleary, Vice President for Academic Affairs
Rev. Patrick J. Rice, Vice President for Administration
Rev. Thomas M. Mahoney, Vice President for Financial Affairs
Rev. George F. Riley, Vice President for Public Relations
and Development
Rev. John E. Deegan, Vice President for Student Life
Arthur L. Mahan, Assistant to the President for Athletics
Charles B. Dietzler, Controller
Allan B. Wechsler, Dean of Men
Rebecca S. Drury, Dean of Women
Rev. Harry J. Erdlen, Director of Admissions
Margaret M. Crowley, Director of Personnel
George C. Yeh, Director of Research
Edward L. Collymore, Director of Social Action
David J. Smith, University Registrar
Edward A. Morosky, Assistant to the Vice President for
Government Relations and Institutional
Resources
Joseph W. Dellapenna, Professor of Law

FROM: Fr. John M. Driscoll, O.S.A., President *JMD*

SUBJECT: Committee to Study the Influence of the Government on
Villanova University

DATE: June 9, 1977

Pursuant to an agreement with the Alfred P. Sloan Foundation, Villanova University is to undertake a self-study of the influence of the government on the University's affairs. The Sloan Foundation will undertake to bring such self-studies from 10 or more universities across the country for an in-depth look at the effects of government regulations nationally. At Villanova the self-study will be conducted by an ad-hoc Committee of University administrators, composed of the persons to whom this memorandum is addressed and chaired by Professor of Law Joseph W. Dellapenna who is hereby designated Director of the Study.

As members of the committee you are to provide data on the effects of government regulation on the division for which you are responsible. The director will prepare the actual report, subject to review and approval by the committee as a whole. The committee as a whole will meet rarely, as most responsibilities will be individual. We have a tight schedule to meet, so the Director shall be in touch with you early next week to get the study moving. A memorandum from him accompanying this memorandum will outline the study, proposed deadlines, and other details of the project.

M E M O R A N D U M

TO: Members of the Committee on the Influence of the
Government on Villanova University

FROM: Professor of Law Joseph W. Dellapenna JWD

SUBJECT: Sloan Foundation Study

DATE: June 9, 1977

Fr. Driscoll's memorandum has described in general terms the study we are about to undertake. Here follow the details of the study format, and proposed deadlines. I will be calling each of you in the near future to set up a general meeting of the Committee in the middle of next week to discuss the project. You can call me at ext. 609 if you wish to speak to me sooner.

Organization of the Study

The study will be organized into the four areas given below. While these areas are not fully mutually exclusive, they have been used by other schools involved in the Sloan Foundation project. These categories appear to be useful in terms of focusing the study and generating meaningful data.

1. Civil Rights Legislation and associated compliance
2. Non-Civil Rights Legislation and associated compliance (e.g. occupational safety, foreign students, animal welfare)
3. Funds Administration (e.g. grants, loans, financial aid, pensions)
4. Government Funding Priorities (e.g. fellowships, indirect costs, research)

Legal Liability

Because the legal liability of a university for all its varied activities is quite broad, it is necessary to focus our study only on those areas involving our academic and administrative policies. For example, universities, like any business, are subject to much legal liability from the traditional common law areas of contract, tort, property, agency, etc. These are omitted from our study. Another range of liabilities comes from statutes enacted by Congress or state and local legislatures. Under certain types of legislation the complaining party who is seeking relief is given the exclusive

right by the government to go into court. Examples are Title VI of the 1964 Civil Rights Act and Section 1983 of 42 U.S. Code. The impact of these laws on a university is irregular and depends more on the particular facts of a plaintiff's case, rather than on general policies.

On the other hand, a great majority of recent legislation is assigned to various executive agencies to administer. While these laws may give the parties access to a court, they simultaneously authorize an agency to set standards, promulgate regulations and investigate complaints. Examples are Title VII of the 1964 Civil Rights Act, Title IX of the 1972 Education Amendment, the 1963 Equal Pay Act, and the 1973 Rehabilitation Act. Such statutes, of course, will form an important part of our study.

Finally, there are the burgeoning number of purely regulatory statutes and executive orders by which the government agencies place reporting and compliance requirements on universities. Examples are the Amended Executive Order 11246, the Higher Education General Information Survey (HEGIS) and the Guaranteed Student Loan Program Refund Certification. Such regulations will form the other major part of our study.

Impact Assessment Criteria

The following standards are to be used to determine whether a regulation has an undesirable effect on the University.

1. Whether the regulations tended to be arbitrary and costly to administer without contributing to the original intent and objectives of the legislation so as to impede our governance and administration.
2. Whether the regulations are vague and hence, uncertain.
3. Whether the regulations are tentative or prospective and hence, subject to change.
4. Whether the agency's request duplicates requests from different agencies.
5. Whether the requirements demonstrate a lack of awareness of the feasibility of obtaining the data.
6. Whether the regulations seemed to be promulgated without regard to their effect on academic programs.

ENCLOSURE 2—page 3

Our study will not attempt to unravel all regulations which affect universities. Obedience to the law is to be expected. Our only basis for concern will be from our judgment of the reasonableness and relevance of the regulations and the compliance procedures.

Items of Analysis

In each of the four areas mentioned above into which the study is organized, an analysis is conducted from the following points of view:

1. Costs.
2. Administration.
3. Academics.
4. Research.
5. Success of the regulation in achieving its intended goal.

These varying perspectives will be analysed in terms of the impact assessment criteria listed above. In doing these analyses we will have to bear in mind that government involvement in an area of change does not preclude the existence of an independent social evolution in the same area which we, as a university, have to respond to regardless of any steps the government might have taken. While such governmental intervention may sometimes hinder our response, it may also help our response, or it may be indifferent in its effect. Sorting out the effects of the government's actions in a context of rapid social change will require sensitivity to these often elusive nuances.

Role of the Director

The director will both chair the committee and draft the basic text of the final report. He will also provide counsel to individuals in the University who are asked to provide data. Subject to approval by the Committee, he will help define specific questions to be answered by the data requested, and a list of governmental regulations to be specifically considered, although additional questions and additional regulations can be brought up by those persons who actually provide the data. The director will also function as a central liaison person for the many people who will eventually contribute to the study.

Sample Questions

The following questions were used in a similar study at George Washington University. They were addressed to academic department chairmen. These questions were directed to the impact of government funding in the academic program. In several respects, then,

APPENDIX 1

MAJOR FEDERAL REGULATIONS

Title VII of the Civil Rights Act of 1964 as amended in 1972

Title VII makes it unlawful to discriminate on the bases of race, color, religion, sex or national origin in any of the terms or conditions of employment. The Equal Employment Opportunity Commission is empowered to enforce Title VII by conciliation, mediation, and court action.

Title VII, as amended and as interpreted by the courts sets forth a range of employment practices which are forbidden because of the discriminatory impact. Title VII, and the guidelines given below, thus, broadly affect the University's employment practices and policies.

Title 29, Part 1604, as Amended 1972 Guidelines on Sex Discrimination

These guidelines, in effect, provide further definition to Title VII. They define a bona fide occupational qualification exception on the basis of sex, outlaw separate employment listings for men and women, require equal fringe benefits for men and women, and define pregnancy as a temporary disability.

Title 29, Part 1605 (1967) Guidelines on Religious Discrimination

Providing further definition to Title VII, these guidelines require that employers make reasonable accommodations to those employees who may celebrate the sabbath and religious holidays on work days.

Title 29, Part 1606 Guidelines on Discrimination Because of National Origin

ENCLOSURE 2—page 7

These guidelines provide further interpretation to Title VII. Among other things, they prohibit English language tests as a condition of employment where such skill is not needed in performing the job.

Title 29, Part 1607 Guidelines on Employee Selection Procedures

Again in further definition of Title VII, this title provides guidelines for the use of tests in employee selection.

Executive Order 11246

Executive Order 11246 requires federal government contractors not to discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, or national origin. Failure to comply could result in failure to award or termination of federal government contracts.

Revised Order No. 4

Revised Order No. 4 is essentially an amplification of Executive Order 11246. It requires federal contractors to develop written affirmative action compliance programs. Contractors must evaluate their employment policies and practices to determine whether or not prohibited discrimination exists, and where it exists, they must design appropriate remedies. Revised Order No. 4 requires the contractor to conduct a utilization analysis of the work force to determine whether or not minorities and women are underutilized in any of the major job categories, and where deficiencies are found, the contractor must establish goals and timetables to remedy the deficits.

Revised Order No. 14: Standardized Contractor Evaluation Procedures for
Non-Construction Contracts

This order specifies standard procedures for evaluating the affirmative action programs required by Revised Order No. 4 and defines the steps to be included in a compliance review.

Higher Education Guidelines for Executive Order 11246

These guidelines were published by the Department of Health, Education, and Welfare to provide assistance to institutions in complying with Executive Order 11246 and Revised Order No. 4. Since they indicate what practices and procedures the Department is likely to interpret as discriminatory, they have had a sizeable influence on personnel policies. The guidelines deal with matters such as recruitment, hiring, anti-nepotism policies, leave policies, fringe benefits, and grievance procedures. The Guidelines also provide information on how institutions should develop affirmative action programs.

Title IX of the Education Amendments of 1972

Title IX requires that no person shall on the basis of sex be excluded from participation in, denied the benefits of, or be subjected to discrimination under any education program or activities receiving federal financial assistance.

Title IX broadly impacts the policies and practices of educational institutions since HEW regulations define educational program and activity broadly to include such diverse areas as employment, employee benefits admissions, counseling, and athletic programs. Institutions are

ENCLOSURE 2—page 9

required to conduct self-evaluations of their policies, procedures, and practices and to take appropriate steps to remedy any deficiencies which may be found. Internal grievance procedures are also required.

The Office of Civil Rights of HEW is responsible for enforcement.

Equal Pay Act of 1963

The Equal Pay Act of 1963 mandates equal pay for equal work, and specifically outlaws the practice of compensating men at a higher rate than women who are performing the same work.

Enforcement is done by the Department of Labor in response to individual complaints. The remedy is generally the requirement of back pay.

Age Discrimination in Employment Act of 1967

This act proscribes discrimination on the basis of age in any area of employment except where age may be a bona fide occupational qualification. The prohibitions of the act cover individuals between the ages of forty and sixty-five. The Secretary of Labor is responsible for enforcement.

The Rehabilitation Act of 1973

"No otherwise qualified handicapped individual in the U.S. . . . shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program or activity receiving Federal financial assistance."

The Act also requires affirmative action to employ and advance in employment qualified handicapped individuals as a condition of each federal contract. Department of Labor regulation 20 CFR 741, which

implements the Act, requires a written affirmative action plan, an annual review of the program, the designation of a responsible officer, and posting of notices about the affirmative action obligation. Goals and timetables are not required. Failure to comply could result in loss of federal contracts.

Title VII and VIII of the Public Health Service Act

These titles require medical, dental, and similar schools, as a condition of receiving grants, loan guarantees, or interest subsidies, to provide written assurances that they do not discriminate on the basis of sex in admission.

Section 501(c)(3) of the Internal Revenue Code of 1954

This section provides the educational and charitable exemptions for non-profit, public service institutions. It represents a resource to universities much like the investment credit for manufacturing companies. Regulations interpreting its applicability can all too easily distort the financing patterns in higher education, as was shown by the Tax Reform Act of 1972.

The following is a list of Representations and Certifications generally required to be completed:

Small Business Representation (statement as to whether or not University is small or large business based on number of employees).

Minority Business Subcontracting Program

Small Business Subcontracting Program

Labor Surplus Area, Use of

Affiliate Business Assoc. Data

Type of Business (profit/non-profit, etc.)

Contingent Fee Statement (no fee paid to an outsider)

Employment of Handicapped

Civil Rights (Equal Opportunity, Employment Listing, etc.)

Nonsegregated Facilities

Affirmative Action Program

Certification as to obtaining and the accuracy of

Subcontractor's Certifications

In addition to the above, the following are some of the Representations and Certifications which may be submitted for specific procurements as the circumstances require.

Human Subjects (Protection)

Conflict of Interest

Wage Determinations (use of wage scales)

Assurance of Insurance

Care of Lab Animals (compliance with U.S. Department of Agriculture regulations)

Cost Accounting Procedure and Practice

Employment of Former Agency Personnel

Clean Air and Water Compliance

Independent Price Determination.

MEMORANDUM

TO: Members of Sloan Study Committee
FROM: Joe Dellapenna
DATE: July 19, 1977
SUBJECT: Questions about Governmental Impact at Villanova

A number of you have asked me to prepare a questionnaire for guidance in preparing your final reports. The following checklist of questions is intended to serve only as a guide and a reminder of the more salient points as indicated by our discussions and also by a review of the materials supplied by the Sloan Commission. This list is by no means exhaustive. In particular some questions may be relevant to only a few divisions of the University, while some other questions may have been overlooked which are quite important to one or more divisions. Please use this list as a guide in preparing your final report, but not as a substitute for your own judgment as to what is important in your areas of responsibility. Any data I may have asked for during our discussions should still be supplied, whether a question appears here or not.

1. Have you or your office had to change administrative procedures to comply with governmental regulations on programs? Please describe the nature of such changes, including added costs, frustrations, and the like. Comment specifically as to new personnel, records, space, equipment, or computer time made necessary by the change or reorganization.

2. Have you or your office continued administrative procedures which you would probably have discontinued but for governmental regulations or programs? Describe, and comment on, the same matters as in #1.
3. Describe any recurring activity required of you or your office for compliance with federal regulations or programs not described above. Include a list of reports necessary for your office and comments on the worth of these reports. Comments on regulations or programs which are not peculiar to higher education, or which do not impact on higher education in peculiar ways (e.g., social security, withholding of taxes, ERISA, etc.) should be brief. As to other regulations comment fully.
4. Describe any recurring activity required of you or your office for compliance with state regulations or programs if not described above, including descriptions of reports. Are the state governments which affect your office operating in ways which are independent of the federal government, or are the states merely duplicative or contradictory of federal programs? What problems does this pose for you or your office?
5. Do you serve on any committees or subcommittees within the University where a substantial share of its activities are a result of governmental regulations or programs? If so, describe and comment.
6. Are there any activities you or your office would probably undertake if not prevented by government regulations or programs? Describe any activity which you or your office have discontinued, or found substantially more difficult, as a result of governmental regulations (e.g., in giving or securing confidential recommendations).
7. Identify how the clientele served by you or your office may have been changed by governmental regulations or programs. Has the nature of our student body, faculty, or staff been changed? How? Include any identifiable changes which may have been other than those which were the apparent intent of the regulation or program (e.g., geographical distribution of students without regard to race or sex).

8. Give any specific examples of governmental impacts on you or your office which you feel to be particularly illustrative of this impact. In connection with these examples as with any other matters in your final report, indicate any matters which you want to be communicated to the Sloan Commission in confidence, and the degree of confidentiality required (e.g., may be included in the Commissions report anonymously; not to be included, etc.).

jrd

cc: Fr. Driscoll
Ed Murray, Ass't to Pres.
Dean O'Brien
Commander Johnson, Assoc. Prof. of Naval Science
Alma Kisech, Int'l Student Advisor

ENCLOSURE 4

LIST OF PERSONS INTERVIEWED BY DIRECTOR

Fr. John M. Driscoll, O.S.A., President

All Members of Sloan Committee (see Enclosure 1)

Administrators:

Dr. Theodore Aceto, Director of Athletics

Sumner Drain, Business Manager of Athletics

Vincent Femia, Director of Financial Aid

J. Leslie Geis, Director of Food Services

Edward Murray, Assistant to the President

Richard A. Neville, Director of University Counseling Center

Alma Rieseck, Foreign Student Advisor

Rev. Louis Rongione, O.S.A., University Librarian

Faculty:

Dr. Manuel Avila, Professor of Economics

Cdr. James R. Johnson, Associate Professor of Naval Science

Dr. Thomas Malewitz, Professor of Biology, Pre-Medical Advisor

Dr. J. P. McGowan, Chairman, Department of English

Students:

Joseph D'Oracio, College of Commerce & Finance; Treasurer,
Small Business Consultants, Inc.

Molly Fitzgerald, College of Commerce & Finance

Donald Miller, President, Student Government Council

Daniel Mullin, President, Student Bar Association

MEMORANDUM

TO: Villanova Faculty

FROM: Professor of Law Joseph W. Dellapenna JWD

DATE: July 22, 1977

SUBJECT: Sloan Commission on Government and Higher Education

Villanova University, along with 22 other colleges and universities, has undertaken a self-study this summer in cooperation with the National Commission on Government and Higher Education which is being created by the Alfred P. Sloan Foundation. Father Driscoll has appointed me to direct the self-study. The accompanying survey is an attempt to discover faculty experiences and perceptions of the governmental presence and its effects. Your responses will be kept confidential; space is provided for your name but this will be used only to permit follow-up by me in the form of personal interviews of a few of you. If you wish, leave your name off the form. Other personal data is sought solely for statistical purposes, as are the numerical appraisals sought for certain questions. I recognize that numbers can be misleading, so please feel free to comment extensively. I probably have missed altogether some questions worth asking, so feel free to add further topics in your comments. On the other hand, ignore any questions inapplicable to your experiences.

If your responses are to be received in time to be incorporated in the report, these forms should be returned by July 29, but in no event later than August 8, 1977.

SLOAN COMMISSION ON GOVERNMENT AND HIGHER EDUCATION

FACULTY SURVEY

1. Name _____ 2. Faculty Rank _____
3. Department _____ 4. Tenured _____ Yes _____ No _____
5. Years in Teaching _____ 6. Years at Villanova _____ 7. Age _____
8. Sex _____ M _____ F 9. Ethnic Identification _____

Please circle the appropriate answer and write further comments in the space provided, or on supplemental pages. Before commenting, you may find it helpful to read all the direct questions. In questions calling for numerical answers, unless otherwise indicated, 1 means "not at all," 2 means "slightly," 3 means "moderately," 4 means "substantially." The meaning of 5 is indicated for each question.

10. Have you in your role as a faculty member ever applied for state or federal grant? Yes No If yes, please describe your experience briefly. If no, skip to question #13.
11. If #10 was answered "yes", did you receive the grant you applied for? Yes No If yes, please describe it briefly. If no, skip to question #13.
- 12a. Was it necessary to redesign your project in order to apply for, or to receive, the grant? Yes No
- b. If yes, describe the changes briefly. Were these changes:
1 (merely of form) 2 (slight) 3 (material) 4 (extensive)
5 (of substance)

ENCLOSURE 5—page 3

1 (not at all) 2 (slightly) 3 (moderately) 4 (substantially)

13. To what extent have federal or state regulations affected the conduct of your project (e.g. research on live animals)?

1 2 3 4 5(In every respect)

If 3 or higher was circled, please describe.

14. To what extent have federal or state regulations created the need for additional records, reports, or other paper work?

1 2 3 4 5(Prevents the project)

If 3 or higher was circled, please describe.

15. To what extent have the availability of funds from governmental sources for research on other projects, or the requirements of governmental regulations relating to them, affected what is taught to your students?

1 2 3 4 5(Completely reshaped what I teach)

If 3 or higher was circled, please describe.

1 (not at all) 2 (slightly) 3 (moderately) 4 (substantially)

16. To what extent have the requirements of government regulations relating to research or other projects, or the availability of funds therefor, affected the nature or extent of student projects? 1 2 3 4 5 (Beyond recognition)

If 3 or higher was circled, please describe.

17. To what extent has the information available to you concerning a student (e.g., recommendations from high school) been diminished by the Family Educational Rights & Privacy Act ("the Buckley Amendment")? 1 2 3 4 5 (No present access)

If 3 or higher was circled, please describe.

18. To what extent have you been impeded in giving information about a student to others by the Family Educational Rights & Privacy Act? 1 2 3 4 5 (No longer give any information)

If 3 or higher was circled, please describe.

ENCLOSURE 5--page 5

1 (not at all) 2 (slightly) 3 (moderately) 4 (substantially)

19. To what extent have you felt impeded in efforts to maintain academic discipline by governmental regulations? E.g., are you less willing to report suspected cheating because of such regulations?

1 2 3 4 5(Completely)

If 3 or higher was circled, please describe.

- 20a. Have you been involved in academic disciplinary proceedings in the last five years? Yes No

- b. If yes, to what extent have you found these proceedings to be changed by governmental regulations?

1 2 3 4 5(Almost completely)

- c. If 3 or higher was circled, was the quality of this change:

1 2 3 4 5
Very Bad Bad Indifferent Good Very Good

21. To what extent have you felt impeded in efforts to maintain "non-academic discipline" by governmental regulations?

1 2 3 4 5(Completely)

If 3 or higher was circled, please describe.

1 (not at all) 2 (slightly) 3 (moderately) 4 (substantially)

22a. Have you been involved in non-academic disciplinary proceedings in the last five years? Yes No

b. If yes, to what extent have you found these proceedings to be changed by governmental regulations? 1 2 3 4 5 (Almost completely)

c. If 3 or higher was circled, was the quality of this change:

1 2 3 4 5
Very Bad Bad Indifferent Good Very Good

23. To what extent would you attribute grade inflation to governmental policies? 1 2 3 4 5 (Completely)

b. If 2 or higher was circled, please circle the number of governmental policies you believe to be involved.

1. Governmental support for enlarged student bodies.

2. Governmental fostering of student rights, such as Family Educational Rights and Privacy Act.

3. Governmental pressure to change the mix of the student body.

4. Governmental financing of the education of young professors, leading to overall younger faculties.

5. The Viet-Nam War.

6. Others (please specify).

Please discuss your answer.

1 (not at all) 2 (slightly) 3 (moderately) 4 (substantially)

24. To what extent has the governmental presence affected what you teach, i.e., has the material available to you to teach from been shaped by governmental funds or regulations?

1 2 3 4 5 (Almost Completely)

If 3 or higher was circled, please describe.

25. To what extent has the governmental presence affected what your department teaches?

1 2 3 4 5 (Almost Completely)

If 3 or higher was circled, please describe.

26. To what extent has the governmental presence affected who you teach?

1 2 3 4 5 (Complete Change over)

If 3 or higher was circled, please describe.

ENCLOSURE 5—page 8

1 (not at all) 2 (slightly) 3 (moderately) 4 (substantially)

27a. To what extent has the faculty recruiting process been affected by the governmental presence?

1 2 3 4 5 (Completely changed)

b. If 2 or higher, has this effect been:

1 2 3 4 5
Very Bad Bad Indifferent Good Very Good

Please comment.

28a. To what extent has the faculty promotion and tenure process been affected by the governmental presence?

1 2 3 4 5 (Completely changed)

b. If 2 or higher, has this effect been:

1 2 3 4 5
Very bad Bad Indifferent Good Very Good

Please Comment.

1 (not at all) 2 (slightly) 3 (moderately) 4 (substantially)

29. Do you serve on any committee or subcommittee within the University which devotes any substantial part of its time to the governmental presence?

Yes

No

If yes, please describe.

30. To what extent do you feel each of the following somewhat overlapping changes is a result of specific or general governmental policies? If you believe the particular change is not occurring, circle the letter before the change.

a. Changing University Priorities	1	2	3	4	5 (Almost entire)		
b. Increasing Centralization in the University	1	2	3	4	5	"	"
c. Increasing Bureaucratization in the University	1	2	3	4	5	"	"
d. Increasing Formalization of Campus Life	1	2	3	4	5	"	"
e. Loss of Autonomy by Faculty Members	1	2	3	4	5	"	"
f. Loss of Privacy on Campus.	1	2	3	4	5	"	"
g. _____ (Other changes)	1	2	3	4	5	"	"

Please comment.

III GOVERNMENTAL IMPACTS AT VILLANOVA

Governments at several levels impact on Villanova University numerous ways. Some of these impacts are general and affect Villanova in essentially the same ways that they affect any other person or institution in society. Examples are the withholding of income taxes or social security taxes from employee wages. Since these have no effects on the University which are recognizably different from any other large employer in the society, such impacts will be treated as part of the given social context within which the University operates, which social context is not the concern of this study except in so far as it becomes important in other, peculiarly educational impacts.

As for other governmental impacts, these derive from two distinguishable types of policies — those policies which are general in their application to society, but which nonetheless raise results which are markedly different in a higher educational context from the problems or benefits of these policies elsewhere in society (e.g., affirmative action or the NLRA); and policies which are primarily directed at educational institutions (e.g., various funding programs). These two kinds of policies will be the focus of this study. Not all such policies have had an impact on Villanova; nor are their impacts neatly segregated according to these two types. Such impacts as there have been are discoverable by looking at

areas of impact rather than types of regulations. These areas of impact provide the organizing structure of this study.

The impacts of governmental programs will be analyzed in two ways — first, according to the type of activity which is impacted upon; and second, according to the groups of people which feel the impact. All impacts register in both ways, but the differing perspectives should help make for a more clear understanding of the results of governmental, particularly federal, policy. Within the first analysis, the financial impacts will come first as these impacts are most easily measured, and to a considerable extent underlie all other impacts. This will be followed by two subsections directed to affirmative action and student rights, the two areas of most pervasive impact on this campus. The fourth subsection will deal with the impact of government policies on research at Villanova, which, while in places important, has an effect on only a few departments. The final subsection in the first analysis comments on miscellaneous general governmental policies which are impacting on campus. The second analysis will focus on the reactions of the three on-campus constituencies — administrators (including staff), faculty, and students — to governmental programs.

A. Impacts on Campus Activities

1. Financial Affairs

a. Income Generally. In 1976, the operating budget of Villanova University was approximately \$29,187,000. Tracing what income came from government sources, or was spent in order to comply with government programs or policies, is not entirely possible, although income is more easily determined than expenses in this regard. Determining the effects of the expenditures produces even less certain results.

Direct income to the University from government was a modest \$762,000 (see Enclosure 6), which was only 2.6% of all operating expenditures. On the other hand students received \$5,313,000 in financial aid from government sources. Nearly all of this comes back to the University in one form or another. Thus while student fees are said to account for 74.8% of Villanova's budget, some large portion of this is actually borne by the government. How much is not altogether clear, as the bulk of this financial aid is in the form of loans (\$3,023,000), and we cannot predict precisely how much of this will in fact ultimately be borne by students and how much by the government since there still are provisions for cancelling all or parts of these loans for teaching in elementary schools designated by the Commissioner of Education as having more than 30% low income students, as well as because of occasional defaults. These uncertainties are exacerbated by frequent changes in the loan regulations. If we assume, however, that most of these

ENCLOSURE 6

OPERATING INCOME FROM GOVERNMENT SOURCES

1976-1977

(In Thousands of Dollars)

Direct Income:

From Federal Sources:

Research Grants	\$322 (5.3%) (est.)
Capitation Grant	<u>124</u> (2.0%)
Total	\$446 (7.3%)

From State Sources:

Institutional Assistance Grant	\$307 (5.1%)
Miscellaneous Grants*	<u>9</u> (0.1%)
Total	\$316 (5.2%)

Total Direct Income \$762 (12.5%)

Financial Aid:

From Federal Sources:

Grants	\$663 (10.9%)
NROTC Scholarships	454 (7.5%)
Direct Loans	342 (5.6%)
Work-Study Programs	<u>191</u> (3.1%)
Total	\$1,650 (27.2%)

From State Sources:

Grants	\$ 982 (16.2%)
Guaranteed Loans	<u>2,681</u> (44.1%)
Total	\$3,663 (60.3%)

Total Financial Aid \$5,313 (87.5%)

Total Funds from Government Sources \$6,075 (100%)

*Approximately \$5,000 from the Community Service Program, and \$4,000 from a Library Services Grant.

Total Federal Funding	\$ 2,096 (34.5%)
Total State Funding	<u>3,979</u> (65.5%)

Total \$ 6,075 (100%)

students could not attend Villanova without the present help of these loans, and that Villanova could not otherwise replace these students, then government sources make available to Villanova \$6,075,000 it would not otherwise have, regardless of who ultimately pays for the half of this sum in the form of student loans. By these assumptions 20.8% of Villanova's budget is provided by one or another government. If we assume, on the other hand, that Villanova would suffer no loss of income without these loans, then government sources provide only \$3,052,000 (10.5%) to the operating budget. The truth undoubtedly lies closer to the former assumptions than to the latter, but precisely where we cannot tell.

The overall conclusion is thus that almost 20% of the Villanova budget is provided by government sources. About 7/8ths of these funds come in the form of financial aid, with nearly all the rest from three sources: research grants; a capitation grant to the College of Nursing; and an Institutional Assistance Grant from the Commonwealth of Pennsylvania. Almost two-thirds of all moneys from governmental sources come from the states, principally as financial aid (an interesting figure for a "non-state-supported" school), with only the remaining third coming from federal sources. While \$2,327,000 of the state financial aid (63.5% of all state financial aid) is from Pennsylvania, total contributions from the Commonwealth (\$2,643,000) account for only 43.5% of the public moneys received by the University. New Jersey is the next largest contributor among states, but many other states guarantee loans

for their residents attending here. Harrisburg is a source of more funds than Washington, and in many respects has greater claims on the University's attention as a result, although Washington has been a spur to at least some of the Harrisburg programs.

b. Direct Income. Each type of public funds received by the University comes with its own peculiar requirements and restrictions meriting individual, if brief, analysis as to problems and effects. These will be treated in the order listed on Enclosure 6.

The University recently (1974) established a Department of Research and Patent Affairs to promote and coordinate research and research grant applications. While grants received by Villanova faculty have increased dramatically since 1974, these grants remain the most highly variable type of government funds. For example, in 1975-76, \$509,300 was received, whereas only an estimated \$322,000 was received in 1976-1977. As recently as 1970-1971 only about \$50,000 was received. The reason for this variability is, of course, the dependence on such grants on the individual faculty member's ability to devise an acceptable project. What is acceptable varies both with the field of endeavor and from year to year in a given field. Only if faculty and governmental interests and project designs exhibit considerable congruence is the application funded. As faculty research interests do not always vary in the same way as the government agencies, and as the attractiveness of the research design also varies, so do the grants received. Still Villanova does receive a substantial amount of government research money

(modest as this amount is compared to some other schools, it has varied between 1% and 2% of the total operating budget). This money brings with it numerous and detailed governmental regulations. A complete analysis of these regulations is beyond the scope of this report, but enough effect is felt to justify a more detailed consideration of these programs in subsection A(4) of this part of the report.

The Nursing Capitation Grant has been received for two successive years pursuant to 42 U.S.C §29be, which was first enacted in 1964. This grant takes its name from the particular requirement that to be eligible a school of nursing must increase its enrollment by 10% each year. There are obvious limits to a school's capacity to so increase its size, so the grant, helpful as it has been for Villanova's College of Nursing, can only be expected to be received for a few years at most. Once received, the funds are unrestricted and may be used for any nursing school use. The effect of this grant is to somewhat accelerate the expansion of the College of Nursing. Since the grant is available for only the few years of rapid growth, it is unlikely to have induced any substantial

*Dr. George Yeh, Director of Research and Patent Affairs at Villanova, has prepared a 198 page report on these regulations in connection with the Sloan study. 89 pages of this report are necessary merely to summarize these regulations, while a further 82 pages (including a 60-page Grant Manual) are necessary to summarize the University regulations and procedures in response to the governmental regulations. The analysis in part III A(4) of this report, of course, draws heavily on Dr. Yeh's contributions.

real growth beyond what the recipient would ultimately have undertaken anyway. The costs of applying for this grant are minimal and are included in the Office of Public Relations and Development's budget. The only potentially important limitation on freedom of action that the grant directly brings with it is 42 U.S.C. §298b-2, which prohibits discrimination based on sex in admissions. At the present time, however, male applicants are so rare as to leave the question moot.

The Pennsylvania Institutional Assistance Grant is an annual grant of unrestricted funds given in proportion to the number of students receiving financial aid from the state. The amount varies somewhat depending on the annual appropriation, but has been between \$300/ and \$400/student for the three years of the program. There is little or no reporting, although the grant does bring with it the possibility of an audit. On the other hand, the necessity of an annual appropriation fight requires considerable lobbying effort which at times reaches as much as two man-days/week. Similar to the major grant are the two small grants from the Commonwealth for the Community Service and the Library Services Programs. Each of these is for a single narrow purpose, but little work, except occasional lobbying to assure continuance of the program, is necessary.

c. Financial Aid. Financial aid can be dealt with as a single unit despite its several sources and the several programs from most of the sources. The general pattern of programs are much alike. Grants are given to small numbers of

students, either because they are particularly needy (e.g. at the Federal level, the Basic Educational Opportunity Grant — B.E.O.G. — or the Supplementary Education Opportunity Grant — S.E.O.G.), or because the students have committed themselves to serve the government upon graduation (at Villanova principally the approximately 154 NROTC students). Much greater funds are made available either as direct loans, or as guaranteed loans. Some, at least, of these loan programs make provision for cancellation of all or part of the loans for some sort of public service (e.g., teaching in qualifying low income elementary schools, or military service). Finally, the Federal government also provides work-study funds to encourage education related employments for low-income students.

The details of these many programs vary considerably, and therein lie the problems and the costs, particularly as the Federal programs are revised frequently in substantial ways. Not only are these many students receiving a total aid package from several different programs, each with its own requirements and regulations, but there are also many students who, in receiving funds from a single program over a four-year education, might be subject to as many as three separate sets of requirements and regulations as to that single program. One example should help clarify this problem.

National Direct Student Loans made no provision cancellation for military service prior to July 1, 1970. As of that date a new law came into effect to encourage military service.

As to loans thereafter, cancellation of 12-1/2%/year of military service up to a maximum of 50% would be permitted. Loans made before July 1, 1970, would still not be cancellable. The law was changed again on July 1, 1972, to permit cancellation only if the borrower served in an area of hostilities which qualified for combat pay. Again loans from before the effective date of the new law were not affected. Thus a single student who borrowed \$1000 per year while going to school here from 1969 to 1973 and thereafter served four years in the military would have three different cancellation policies governing what he perceived to be a single loan program. The resulting mass confusion, delinquencies, and expressions of hostility from the students, should be evidence enough of student perceptions. Our hypothetical student would emerge from the military in the summer of 1977 to discover that he owed between \$2,500 or \$3,000 plus interest depending on whether any of the military service qualified for combat service. Assuming none of the service did, the student's debt by year would be as follows:

<u>Year</u>	<u>Principal</u>	<u>Cancellation Percentage</u>	<u>Amount Due</u>
1969-1970	\$1,000	0	\$1,000
1970-1971	1,000	50%	500
1971-1972	1,000	50%	500
1972-1973	<u>1,000</u>	0	<u>1,000</u>
Total	<u>\$4,000</u>		<u>\$3,000</u>

Thus the former student, who might well have expected a 50% cancellation because of his 4 years military service, actually has only 25 % of his total debt from this program cancelled. Multiply these sort of problems by as many as four or five different programs for some students, and one can easily see the confusion, hostility, disappointment, and even delinquencies that can, and do, result. This is particularly the case when, through poor coordination of state and federal programs, announced student aid awards must be recomputed because of subsequent B.E.O.G. awards. In some cases the student was even made to repay an "overaward" of other aid because, while the B.E.O.G. cannot be reduced, overawarding without collecting back any "excess" jeopardizes the school's eligibility for the program.

In general, state programs generate less such confusion than have federal programs. Indeed, Pennsylvania has recently computerized its student financial aid system with computer outlets on the cooperating campuses. This allows for up-to-minute, and generally accurate, responses. Federal programs not only have no comparable system for expediting responses to inquiries, but the agencies responsible for administering the programs at times seem almost deliberately unresponsive to both the school and its students. In one case, e.g., the Office of Education ignored repeated letter inquiries from both Villanova's Office of Financial Aid and the student's mother about errors in a B.E.O.G. application. When the prescribed toll-free telephone number in Maryland was called, the only help given was another toll-free number, this time in

Iowa. When this number was called — repeatedly — it would ring, connect, and then disconnect. When eventually an operator was asked to help, she received the same response. Upon investigation she determined that someone was picking up the telephone, apparently to stop it from ringing, and then hanging it up.

At times the attitude of the Office of Education has verged on open hostility towards college financial aid officers. This attitude is manifested by the efforts of the Office of Education to by-pass the college financial aid officers in administering the B.E.O.G. directly, a task which the Office has never been able to manage, and which suggests that the Iowa office was so overworked as to be simply unable to respond. Other manifestations of this apparent hostility include arbitrary rulings obstinately insisted on (e.g., that books and supplies were not a budgetable expense), persistent opposition to adequate reimbursement of college administrative expenses, an unremitting process of escalating detail and complexity in the application requirements (suggesting distrust of the data already submitted), apparent engineering of the application to exaggerate evidence of poor management on the campuses.

*A quote from Vincent Femia, Director of Financial Aid:

"Such an engineering job appeared in last year's application. O.E. has been under great pressure from Congress because of excessive defaults in the Federally Insured Loan Program. One can only surmise that the derived format for computing defaults under the NDSL program was an attempt to make the academic community look bad to take some of the heat off O.E. also a high default rate might further be used to justify the administration's efforts to terminate funding for this valuable program. The moderated formula was as follows:

and the taking of attendance of application review meetings with the school being penalized for failure to attend.

This widespread pattern of harassment and interference may represent genuine hostility. There has been an open questioning of the competence of campus financial aid officers. Those officers have asked reciprocal questions — certainly not the best way for either side to allay ill-will. Probably, however, the problems which have characterized federal financial aid programs can be attributed to the usual results of attempted detailed administration of a program by a bureaucracy which is too small and too remote for the needs of those it is intended to serve. The problems are only exacerbated by the resulting efforts by the Office of Education to get even more effective control over a program too big to be run centrally. The very effort becomes self-defeating, and worse, it interferes with those in a position to function effectively. While colleges must account carefully for the money entrusted to them, there must be reasonable discretion vested in the colleges to administer the programs, or the programs will never even approach the level of effectiveness sought by all concerned. If real questions of competence exist as to some of the college financial aid officers, then

TOTAL ACCOUNTS DELINQUENT DIVIDED BY THE SUM
OF: PRINCIPAL REPAYED OR CANCELLED, PRINCIPAL
PAST DUE AND PRINCIPAL IN DEFERRED STATUS.

Actually, it can be seen that the elements used here having nothing to do with a true delinquency rate. It should have been figured as follows:

TOTAL ACCOUNT DELINQUENT DIVIDED BY: TOTAL
ACCOUNTS IN REPAYMENT STATUS LESS PRINCIPAL
AMMOUNT IN DEFERRED STATUS." 46

some reasonable system of certification could be devised to assure minimal competence. At the same time giving greater discretion to the colleges will require simplifying, or at least coordinating, the many state and federal programs so that the aid available is known at a reasonable time, and the fit of the aid programs to the various applicants can be determined with reasonable dispatch and finality. One simplification, at least, would be to treat a full-time student continuously enrolled in school and receiving funds in successive years as continuing under the terms of the program as it was when the student first received funds — except perhaps if the student elects to come under some later variation of the program. At the same time vesting greater discretion in the campus officer would eliminate much of the present on-campus confusion and acrimony between administrators and students, which particularly results when some bureaucratic regulation forces a school to demand a refund of one grant in order to get the student a few extra dollars under another grant rather reducing the new grant by any amount reasonably necessary. Such an approach could lead to rationalization of other contradictions inherent in the present system. Not the least of these contradictions is that the accounced goal of a revolving fund to finance later student loans can never be achieved through a liberal cancellation policy.

On the positive side one must recognize that the Villanova community has benefited immeasurably from these financial

aid programs. Almost 50% of the student body now receives some sort of financial aid, and nearly all of this (98.5%) is from public sources. 18.2% of the University's operating budget was provided by public financial funds. Without these funds many Villanova students would not be able to attend school, or at least not this school, and Villanova University would almost certainly be a much smaller and different school.

d. Capital Funds. Between 1954 and 1974, 14 buildings or major enlargements of buildings were erected on the Villanova campus, costing altogether \$21,830,000. Three of these buildings (Sullivan Hall, a dormitory; Stanford Hall, a dormitory; and the Library extension) were given substantial loans from the the Federal government. These loans totaled \$4,309,000 (19.7% of the total cost of new construction during this period). None of these three projects were wholly funded by the respective loans, and as much other construction took place during this period without such loans, it is unlikely that these buildings would not have gone up anyway. The difference the federal loans appears to have made was to permit the construction of better buildings than might otherwise have been the case. In no case has anyone seriously criticized the building criteria these loans brought with them. These loans appear to be administered by persons familiar with the needs the buildings are to serve and reasonable in accepting the like competence of their campus counterparts. Just how well those involved respected each other is shown by the fact that the

principal speaker invited to the dedication of the Falvey Memorial Library was the Higher Education Facilities Program Officer who approved the federal loan for DHEW.

e. Costs. The costs of compliance with governmental programs and regulations is almost impossible to calculate completely. Many spend an hour or two on occasion on some such task, and this time is just never recorded. When a new task is brought into an existing office it tends to be absorbed into the responsibilities of someone already at work. If this person becomes overburdened, eventually someone new may be hired, but seldom is this new person given full-time compliance responsibilities, and sufficiently accurate time records are just not kept at Villanova to allocate the time of the various employees between compliance responsibilities and other tasks. One cannot even say for sure that a new person was hired because of the needs of such compliance. The tracing of costs or effects is even less certain if the tasks are simply absorbed, as where someone whose original tasks have been accomplished. Here one must surmise that a job existing before the compliance began would have been eliminated, or, in other words, that no other tasks would have been found for this person to do. As for opportunity costs, it is virtually impossible to say what tasks remain undone because of the diversion of administrative attention to compliance tasks. At Villanova, at least, it is also extremely difficult to identify the cost of any bad decisions which might have resulted

from compliance, if only because, as we shall see, it is very difficult at Villanova to identify any decisions of substance at Villanova which would have been made differently without these policies.

With the foregoing limitations in mind, one can still make a very rough estimate of the costs of compliance (see Enclosure 7). This is definitely an underestimate as it accounts for only the costs of major acts of compliance or applications of substantial blocks of time. It ignores the many little efforts put into compliance by many persons on campus, some of whom do not even understand that that is what they are doing. Even allowing for a considerable increase of these cost figures, however, Villanova overall obviously receives a substantial return for a very modest investment in compliance. Now, as some of these costs would have to be borne simply as members of society, and not in order to receive public moneys, the return on investment is even better than simple comparison of the totals of Enclosures 6 and 7 (28.7 to 1) would suggest.

Approximately 30% of the costs of compliance come from efforts to eliminate past discrimination (in Athletics, against women; in Personnel and Social Action, against minorities and women). The Foreign Student Advisor functions largely to solve problems of alien students with the federal authorities. The rest of the costs of compliance are largely investments in securing public funds for the campus. Each of these activities, except the Foreign Student Advisor, is dealt

ENCLOSURE 7

EXPENSES OF COMPLIANCE WITH GOVERNMENTAL POLICIES
(1976-1977)

(in thousands of dollars)

Office or Department:

Athletics	\$ 23 (10.8%)
Financial Aid	87 (41.0%)
Financial Affairs	3 (1.4%)
Foreign Students	10 (4.7%)
Naval Science	30 (14.1%)
Personnel	4 (1.9%)
Public Relations and Development	20 (9.4%)
Research and Patent Affairs	25 (11.8%)
Social Action	<u>10</u> (4.7%)
Total Expenses	<u>\$212</u> (100%)

with in detail elsewhere in this report. No more will be written here except a few words as to the Foreign Student Advisor.

About 150 non-resident aliens are presently enrolled at Villanova. There are also about 150 permanent resident aliens and about 15 Puerto Ricans, all of whom also look to the Foreign Student Advisor for services, so that only about half of her budget goes to the non-resident aliens. It is these non-resident aliens who involve the office in compliance with federal regulations. Beginning in 1974 such students are not allowed to work while in the United States. It becomes the responsibility of the Foreign Student Advisor to see that all the necessary forms, before the student arrives and after, are completed and filed with the proper authorities, and to help the students get by without working. Since non-resident aliens are not eligible for state or federal financial aid, and virtually no other financial aid exists at Villanova, simple survival can be quite a problem. Given a State Department which wants to encourage foreign students, and the INS and the Department of Labor which do not, the students and their Advisor are often caught in the middle, making survival even more difficult. For example, these students have great difficulty securing Social Security cards for fear that they may seek illegal employment, or seek to stay here illegally. But without such cards students have problems in many other matters which are not forbidden to them,

such as for identification for bank accounts. These problems are sometimes frustrating, but nevertheless the federal regulations generally help the Advisor since they provide her with pretty certain guidelines for herself and the students. A better coordination among the relevant offices is the only substantial improvement seen to be necessary.

f. Conclusions. Despite the considerable differences which exist between the various matters discussed in this section, certain common patterns are discernible. Most importantly, the overall financial effects have been very positive, with only minimal cost either in money or in autonomy. Given a continuation of this pattern Villanova would probably like a continuation and expansion of this sort of governmental presence.

Despite the overall positive effect of these policies, there has been considerable administrative frustration with several of the programs due to what is perceived as excessive paperwork and excessive rigidity. These problems are only partly the result of the natural tendency of bureaucracies (college as well as governmental) to perpetuate themselves and to justify their existence by expanding the work beyond the time available to it. Improvements are possible even in the face of these tendencies, and could only make good programs better.

Improvements are possible in two respects: stability of funding from year to year; and reasonable discretion in the college to adapt the funds to its needs. The Pennsylvania

Institutional Assistance Grants are an excellent model from the flexibility point of view, but even this exhibits instabilities which limit complete effectiveness of the program. This unrestricted grant must be appropriated annually, and given growing competition for the tax dollar among the many schools in the state, the grant appears at times to have high political vulnerability. The University attempts to protect the program by extensive lobbying (at a cost of nearly \$20,000/year). The very vulnerability of the program may make it unfeasible to fund over a period of several years (as is often true as well of the other programs which help Villanova^{*}). Nonetheless, this grant and all other financial programs which benefit Villanova share, with only small variations, a limitation which has very little logic to it — that the moneys must be used in a single fiscal year. This traditional limitation can lead to overspending in one year since the money has to be used or it will be lost (and what is worse, the failure to spend may lead to a smaller grant in succeeding years), while in other years important objectives cannot be met for lack of funds.

The fiscal year limitation can be particularly poignant in such programs as College Work-Study, where to be sure the

^{*}The only substantial exception is the various student loan programs, which usually have the goal of leading to a revolving fund with later loans funded from repayment of earlier loans — a goal defeated by any liberal cancellation policy, which brings back a dependence on annual appropriations.

funds are spent, emphasis is sometimes put on high employment levels early in the fiscal year. This means that after October 1, the new starting date for the Federal Fiscal Year, students may be given make work tasks just to make sure the funds are used, whereas by the summer months there may not be enough funds left to pay those students who need work, or those tasks which need to be done. It is worth emphasizing both that if the work involves faculty, it more naturally clusters in these summers, and the greater availability of students to perform the work. Unfortunately, such work as faculty research assistance is highly unpredictable until shortly before it is undertaken, which only reinforces the tendency to use the money early. As unutilized funds cannot be carried over, and as overspending cannot be made up from the following year's funds, the pattern of inefficient spending cannot be changed unless the school (or at least some individuals in the school) are willing to falsify data, a clearly unacceptable solution.

The fiscal year tradition, of course, is part of the accounting practices which are felt to be necessary for careful and accurate verification of the utilization of public funds. Certainly we all support this goal. But does it really require the rigid insistence on the absolute sovereignty of the fiscal year? A limited carryover would appear to be consistent both with the goal of accountability for the use of public funds and the specific goals of the programs involved. Limitations might be expressed either in terms of

percentages of the funds involved, or in terms of the period of time allowed for a carryforward or a carryback, or both. The appropriate form of limitation might well vary with the program involved.

The second unnecessary rigidity in most of these programs is the restriction of the funds to one or a few too narrowly defined purposes. A good example of this comes from the S.E.O.G. program of the Office of Education. Under this program grants are made to supplement the aid received by low income students. These grants are awarded annually. The award is divided between "renewal grants" and "initial grants," and no transfer of funds is permitted between the two types of grants. As only about half of the amount necessary to renew students in the program is awarded each year (at Villanova 53.3% for 1977-1978), this results in students being brought into the S.E.O.G. program in the initial grant phase with no assurance that the grants will continue even if a student's need increases. It certainly does little good to start low income students in school if the funds are not there to allow those students to complete their education. Without being able to transfer funds within this single program, the Financial Aid Office can only help these students by transferring funds from other programs (from Work Study is possible, but this program is already underfunded), or to transfer students to other programs. The national offices have proven to be too remote and too understaffed to manage the necessary

transfers, or to coordinate with state programs to ameliorate these difficulties. Only the campus Director of Financial Aid has all the information before him to permit an intelligent coordination of the many programs available, but all too often this officer is hamstrung by well-intentioned bureaucratic restrictions on the types of decisions he or she can make. Once again one must recognize the obligation to account for the proper use of public funds. Nonetheless, if these various programs are to have a reasonable chance to achieve the goals announced for them, the campus-level administration of these funds must have reasonable discretion to transfer funds within the framework of the goals for which the funds are provided. Not all grants need be unrestricted (as the Pennsylvania Institutional Assistance Grants are), but most should be subject only to fairly general restrictions necessary to confine the funds to the goals for which they are provided. A good example is the Nursing Capitation Grant. These funds are unrestricted so long as they are used solely for the College of Nursing. While other awards might be more narrowly circumscribed, the emphasis should be on fostering intelligent choice at the campus level, and not, as it often appears today, on denying any meaningful management role to campus-level administrators.

2. Affirmative Action

No governmental policy has generated more controversy at Villanova than the various programs and policies designed to remedy the effects of past racial and sexual discrimination.

These programs and policies are dealt with here under the guise of "affirmative action" even though not all these programs and policies go under this rubric in general discourse. Significant differences have arisen at Villanova between the effects of efforts to deal with racial discrimination and with sexual discrimination and each of these patterns will be separately discussed.

a. Race. Few government policies have agitated the nation so much, or for so long, as affirmative action to remedy past racial discrimination. While these policies are by no means limited to educational institutions, in recent years colleges and universities have become one of the major battlegrounds for this controversy. One would be surprised if Villanova had escaped these experiences, and it hasn't. In recent years Villanova has had to defend its hiring and retention policies against charges of ethnic/religious discrimination before various government agencies, while others on campus have strongly protested what they perceive as "reverse discrimination." Despite all the controversy, there is scarcely any discernible effect on the racial mix of either faculty or students (see Enclosure 8) with over 95% of both groups remaining white. The University has thus far successfully defended itself against formal charges of discrimination, and has continued its efforts to recruit more minorities. The reasons for this pattern of little change are discernible upon exploration of hiring, retention, and admissions policies.

ENCLOSURE 8

TABLE OF RACIAL AND SEXUAL MIX AT VILLANOVA
(1976-1977)

	<u>Full-Time Students</u>	<u>Graduate Students</u>	<u>All Students</u>	<u>Faculty</u>
Men	4070 (63.7%)	1324 (53.8%)	5639 (59.1%)	305 (81.6%)
Women	2318 (36.3%)	1137 (46.2%)	3791 (40.2%)	69 (18.4%)
Black	147 (2.3%)	53 (2.2%)	181 (1.9%)	3 (0.8%)
Other Minorities	155 (2.4%)	57 (2.3%)	204 (2.2%)	13 (3.5%)
White	6086 (95.3%)	2351 (95.5%)	9045 (95.9%)	358 (95.7%)

Given the strong sense of Christian mission which has characterized the Villanova administration, conscious racial discrimination must have been a rare event in our history if it could be found at all. Nonetheless, because of the expenses of the University relative to other schools, because of its somewhat isolated location throughout much of its history, and because of the racial mix in the Catholic Church in the north, Villanova entered the 1960's as an almost all-white school, just as it always has been. In 1969, an Office for Social Action was established in an effort to involve the University in the social concerns of the moment. Initially its primary function was to administer a volunteer program whereby students went out to work on community problems. Interest in such programs has fallen off in recent years, but the Office for Social Action has continued to be needed as it was given the primary responsibility to monitor affirmative action on campus, and to attempt to superintend compliance with various regulations governing affirmative action. Today between 1/4 and 1/2 of the Director's time is given to affirmative action.

The Office for Social Action has been somewhat involved in attempts to recruit undergraduate students for the University. Admissions authority remains the sole responsibility of the Admissions Office. Since these two offices have somewhat differing perspectives on the urgency of the need to recruit minority students, the bifurcation of authority

partially explains the paucity of results. Although graduate programs do their own recruiting and admissions, results there are not materially different. Recruiting minority students to an all-white campus, with little or no financial aid beyond the same government programs available elsewhere, and located in a largely white, upper-middle-class community, does not result in a particularly large minority applicant pool. On the other hand, the degree to which cultural deprivation will be a factor in the admissions decision will vary with the person making the decision. Without any pressing sense of urgency, the number of minority students cannot grow dramatically, and may actually be falling somewhat at Villanova. Consequently, "preferential admissions" has not been a major issue in most schools of the University, although there are occasional voices raised from each side of the issue to criticize current practice.

Unlike admissions, however, the propriety of affirmative action in hiring appears to be of great concern to faculty and administration alike. Once again the major responsibility for monitoring compliance has been given to the Office for Social Action. This Office has generated a number of forms for reporting departmental hiring activities (see Enclosures 9, 10, 11). These forms have generated more careful record keeping, which may be helpful both for enabling the central University administration to know what is happening, and to preserve a record in the event of further formal allegations of non-compliance. Along with these forms has

come an increase of advertising, and the use of advertising in different media than might formerly have been used. The availability of positions is made more generally known. As a result more applications are received, and as part of the effort to explore the possibilities of minority hirings as well as merely to take advantage of the greater applicant pool (minority and non-minority), greater travel and interviewing costs have been incurred. Nonetheless, for all the fears voiced on campus about this program, and for all the added effort, one would have difficulty demonstrating any change in actual hirings as a result of these efforts, or a justification for the fears.

The primary reason for the limited effects of attempts to open up the faculty to minority groups is the depressed job market for faculty outside of the professional schools. At Villanova many of these departments have not hired anyone for four or more years, while those that have, have hired only one person every several years, or in a really big year they might have hired two people. Given no, or very few, openings, all the good-faith special efforts in the world are going to produce negligible results, particularly when one bears in mind the peculiar nature of much university hiring. If, for example, one is seeking to hire a new professor for the English Department, one frequently will not be seeking the best qualified potential Professor of English. Frequently the Department will have a specific need to fulfill (e.g., Shakespeare, Modern Poetry, Black Literature, etc.). Even turning up a generally

well-qualified minority applicant will be of little use if he or she is not qualified in the specific area to be filled. And the tight job market encourages, if not compels, such specialist thinking when recruiting - this is a good way to differentiate between the masses of otherwise generally well-qualified applicants to make the faculty recruitment process meaningful and manageable.

The depressed job market in the non-professional departments of the University traces back to a complex interplay of government policies. For some years now the states and the federal government have funded financial aid to students as a means of fostering a greatly expanded opportunity for higher education (see Part III A(1)(c) of this report). When this program leads to expanded undergraduate enrollments, this of course broadens the job opportunities for prospective faculty. In recent years there has been a leveling off of the funding of these programs and of most undergraduate enrollments. Notwithstanding this, graduate programs continue to churn out Ph.Ds, most of whom seek teaching jobs at the college level. Many of the students in these programs are there only because of publicly funded financial aid. Even though the funding studies program also is no longer expanding, as there were not enough teaching jobs for last year's graduates, turning out as many or a few less this year just exacerbates a bad situation. This process has gone on for enough years that jobs just do not

exist in any meaningful numbers in many disciplines. The result is experiences like those of many Villanova departments. No one leaves because there are no openings elsewhere. There are no openings because no one leaves.

Given the scarcity of openings in non-professional departments, affirmative action can be expected to have very little practical effect. Recruiting is further hampered by the same handicaps encountered in attempts to recruit minority students - an all-white campus, in a wealthy all-white community, without imposing funding to compensate for the difficulties often felt by minorities in such an environment. * These latter handicaps can be overcome, however, by determined effort if there is a reasonable flow of hiring opportunities as occurs in the professional schools. Of the three black faculty members, two are in the College of Law and one is in the College of Nursing. Of 13 other minority faculty, four are in the College of Engineering and two are in the College of Commerce and Finance, leaving only seven others in the College of Liberal Arts and Sciences (out of 236 faculty in that department). In the professions, faculty members leave not only in order to teach elsewhere, but also to resume the full-time practice of their professions. Not every opening has to be filled with a minority in order to begin to show real results in hiring.

* These handicaps largely account for the sparse incidents of minorities among non-academic staff. For example, despite extensive advertising, only one in every 300 applications for secretarial or clerical positions is a minority person.

Much less attention has been given to faculty retention processes than to faculty hiring, although it is here (the denial of tenure) that has produced the few actual formal charges against Villanova. These proceedings, like the procedures used in making hiring decisions, have been formalized in recent years, with a formal statement of tenure policy and carefully structured procedures to assure "due process." It would be hard to prove that these changes have altered any decisions made by these processes. Such proof would be especially difficult as to minority faculty simply because they come up for renewal or tenure so seldom.

Despite the slim results to appear from affirmative action in hiring, these efforts are not entirely without significance. Faculty are generally familiar with the old-school-tie tradition of hiring - a client/patron system which preserved the virtual monopoly of a few schools on the better jobs in higher education. Affirmative action has taken many of these jobs out of the closed circle which formerly existed. The advertising of job openings when they occur makes the position known to many who would not normally have known of it in the past. By focusing attention on the verifiable qualifications of candidates these new applicants are often given a real chance where before they had none. Certainly the old-school-tie (or grapevine recruiting) still goes on in many areas, but its hold is weakening, as several faculty at Villanova reported in this study. This may be the most

important effect of affirmative action in the long run, but it is an effect which need not necessarily benefit any recognized minority group.

b. Sex. While little definite change has occurred in the racial mix on campus, in recent years a very substantial change has come about in the sexual mix on campus. Nonetheless one cannot say with certainty to what extent this represents the effects of various government policies. Villanova only became fully coeducational in 1969. Prior to that year women were enrolled in certain of the colleges of the University, beginning with the establishment of the College of Nursing in 1951 and spreading gradually to the other professional or graduate programs. Women remained few on campus, however, until the opening of the College of Liberal Arts and Science to women in 1969. Today women are 40% of the entire student body, and, although they do cluster somewhat in certain colleges of the University, they are found in growing numbers everywhere on campus.

With the sudden change in the student body have come steadily increasing changes in the way the University conducts itself, and in the way it spends money. Dormitories have been remodeled to accommodate women; athletics programs have been revised to create opportunities for women; and policies in the University have been reviewed to be certain there is no discrimination based on sex. Most of these activities began well

before Title IX became a factor, and each generated some controversy. Not the least controversial point is about the good faith of the participants in these decisions - a controversy which further beclouds the question of whether the changes are being forced by government regulations, or are coming naturally through the changing campus constituencies.

In athletics changes have been rather dramatic. Expenditures on women's athletics have grown from \$3,600 in 1969-70 to \$62,900 for 1977-78. Women's varsity and junior varsity teams have been developed, at a time when men's junior varsity teams have had to be eliminated for economy reasons. Women's athletic scholarships have begun while full scholarships for men in baseball and swimming have been eliminated. Remodeling in the field house has been necessary. At the same time the great bulk of the athletics budget continues to be spent on male sports. Only about 7% of scholarship money goes to women, while club sports, which are 90% funded by the University with paid coaches, travel money, etc., provided, remain largely male, as does the university funded intramural programs. These changes have come about with less apparent discord than one might have expected. In part this reflects the lack of a strong tradition of neglect of women's sports, and the realization of the need for change simply because the campus is changing.

Furthermore there is a recognition that the needs of women's athletics - particularly with Title IX to help - gives important leverage with the central administration to provide additional funds. Some additional funds have been made available, but not enough to provide for all the additions necessary to accommodate all the needs of the women. Therefore the process of a tugging between women's programs and men's continues, with a gradual shift of money and other resources from the men to the women.

Much the same story has occurred in regard to the dormitories. Once the decision not to build new dormitories was made, the need of women for housing space necessarily meant that men would lose some of their existing accommodations. Since there was already a shortage of housing on campus and a long waiting list as a result, the process of accommodating women only served to increase the pressure on the campus housing stock. Today housing on campus is about two-thirds male and one-third female - roughly the same proportion as full-time enrollment. As a result there are long waiting lists for both sexes, and some disagreement as to whether the spirit to Title IX is being complied with. Without additional on-campus housing, lack of space becomes a serious impediment to enlargement of the numbers of women students at Villanova.

Turning to the faculty, one finds that women are much more numerous than minorities (18.5% to 4.3%). While nearly half of

the women are in the College of Nursing (32 of 33 there), they are found in all of the Colleges except Engineering. Changing these patterns faces similar impediments as recruiting additional minority group members. There does not appear to be any substantial discrimination against women already on the faculty, and so controversy here has tended to center on what strikes some as more trivial matters (such as the substitution "chairperson" for "chairman" - why not simply "the chair?").

Overall, laws forbidding sex discriminations have been of some concern on this campus. These may even have been the cause of some of the rather important changes Villanova has seen in recent years. The major impetus, however, clearly was the decision to become fully coeducational eight years ago— a decision which itself was in no way caused by those laws. Caught in the transition as Villanova was, these laws have been of some help to people on campus who favored this change and a bother to those who didn't. Nonetheless most of these changes are not the result of laws so much as of societal changes generally, and more particularly of the specific changes in the campus community itself.

c. Summary and Analysis. In 1957 the higher education system of the United States was in many respects a closed club. The better schools, at least, tended to draw their students from the upper and middle classes, often from a relatively narrow geographic area. Access to faculty jobs was often even more restricted, with recruiting taking the form of informal

contacts through certain "key" people at the "best" schools. A young person seeking entry into the teaching market often could not even find out about such openings without such sponsorship. Gradually in the ensuing 20 years a number of government programs have been developed (financial aid and various affirmative action programs) to open schools to different groups, especially minorities and women. At Villanova these programs have largely failed to affect the role of minorities, and have had only limited effect on the role of women. The reasons for this failure have been explained above, but should not blind us to the effects these programs have had.

By providing financial aid for lower income students, both the economic class range and the geographic range of students has slowly begun to expand, and may expand even more in the future. Affirmative action programs, by focusing attention on the procedures and criteria used to select new faculty have begun to erode the closed circle which still persists to some considerable extent in faculty recruiting. The formalities required by affirmative action preclude reliance on informal contacts, while the requirement of an objectively verifiable standard of choice precludes sole reliance on subjective recommendations of an "elder statesman" of the discipline. Nevertheless these recommendations still carry

great weight, and the generally tight job market results in greater promise of change than is actually being experienced even in these respects.

The process involved in both these policies is the same, and it is likely to be repeated with regard to some other bases of discrimination. The process is being repeated now with regard to the physically handicapped. This process involves first the political task of persuading the effective decision makers that an existing basis of disadvantage is so reprehensible it should be eliminated. Once this decision is made these same authorities must be convinced that the lingering effects of past discrimination can only be eliminated by mandating special efforts ("affirmative action") on the part of most or all social institutions to eliminate those effects. The response of schools like Villanova is likely to be much the same as it has been to racial and sexual discrimination problems - except if the mandate effects run contrary to the basic religious tenets which are still perceived as central to a religiously affiliated University. The evolving example of the physically handicapped is a good one for a non-religiously controversial change in approach to discrimination which had before been permitted, even if not encouraged, by law.

Discrimination against the handicapped by any employer receiving a federal contract, or by any recipient of any federal grant, has been prohibited since 1973 by 29 U.S.C.

§§793, 794. The provisions certainly covered Villanova University and most other colleges or universities in the United States. A curious reaction greeted this enactment. Most administrators acted as if the discriminations were not unlawful until explanatory and implementing regulations are adopted by the appropriate governmental agencies. The regulations for the implementation of this obligation on the part of recipients of educational grants were delayed for several years after the enactment of these statutes. The statutes were for that period seen as an impending regulation, and not as a present obligation. Precisely this same reaction has greeted the enactment of Title IX forbidding sex discrimination, the "Buckley Act" to be described below, and some other federal enactments. In fact such is not the case, as several recent law suits show.

The belief that these acts are a dead letter without the regulations is not wholly without foundation. Courts will generally follow the regulations as guides to the true interpretation of the acts. One case even applied the regulations adopted by the Department of Transportation retroactively to a suit which had already been decided with an

* In an education context, see Gurmankin v. Costanzo, 556 F.2d 184 (3rd Cir.1977), where a blind teacher successfully sued the School District of Philadelphia for discrimination in violation of 29 U.S.C. §794 in refusing to allow her to take the District's teacher examination. Compare also Lloyd v. Regional Transp. Auth., 548 F.2d 1277 (7th Cir.1977).

★

appeal was pending before the adoption of the regulations. This pattern of virtually ignoring acts of Congress pending the adoption of long delayed administrative regulations does suggest some basic changes both in the real techniques of legislating in the United States today, and in the enthusiasm with which the new approach is received.

Once the regulations are adopted there is likely to be considerable self-examination to determine what changes, if any, are necessary. At a school like Villanova these changes are likely to be few. In the case of the handicapped, Villanova has already been following a policy of making special physical arrangements to accommodate their needs. In the law school, for example, a special parking ramp was built for a wheel-chair-bound student, while readers were provided and exams rescheduled for a blind student. Perhaps such accommodations were routine on most campuses, or perhaps these accommodations represent the special sensitivity of a religious school to the moral claims of the disadvantaged. In either event, it suggests little actual need for changes in this area. Despite some considerable initial effort in self-studies for compliance, and even a certain frustration over what some will see as needless meddling, little real change will be necessary for compliance, although some, on campus and off, will protest that not enough is being done.

* United Handicap Federation v. Andre, 558 F.2d 413 (8th Cir. 1977), reversing 409 F.Supp. 1297 (D.Minn.1976).

The real crunch will come if some government attempts to prohibit restrictions in a way which is thought to contravene the deeply held religious beliefs from which is still derived the special ambience of the Villanova Campus. Villanova does not discriminate on the basis of religion either in hiring or in admissions. Even the requirement of religious studies for undergraduates can be filled with a sufficient broad choice of electives to make almost any student comfortable. And the federal government has been careful to provide for statutory exemptions for religious educational institutions along with other religious institutions. Thus, Title VII of the Civil Rights Act of 1964 (mandating equal employment opportunities without discrimination as to race, religion, national origin, or sex) specifically exempts religious institutions from being required to employ persons of a particular religion, 42 U.S.C. §2000e-1, while Title VI does not even prohibit discrimination based on religion in activities or programs receiving financial assistance, 42 U.S.C. §2000d. But what if these statutes were changed? Furthermore, it is not inconceivable that some currently proposed civil rights laws could contravene the animating religious beliefs to the point of inducing resistance. What, for example, if discrimination against homosexuals were banned? What if affirmative action in their favor were mandated? Such an enactment might raise a constitutional crisis of basic importance to understanding the

ENCLOSURE 9 - Page 2

This form is to be filled out by the chairman after he has been authorized by the Vice President through the dean to recruit. There should be a separate form for each position available.

Basically this form is the job description to be used in advertising. The department is responsible for advertising in the regular professional organs. Any advertisement should contain the statement: "Villanova University is an Affirmative Action/Equal Opportunity employer." The means of publication for which the department is responsible should be listed in "Publications by Department." The Affirmative Action Office will be responsible for publications in those journals and magazines specifically oriented toward minority groups and women and will record the action taken in the space provided. In either case, bills for advertising the position should be sent to and will be paid by the Academic Affairs Office.

ENCLOSURE 10 - Page 1

VILLANOVA UNIVERSITY
(See Reverse Side for Instructions)
AFFIRMATIVE ACTION APPLICANT RESPONSE SHEET

Department: _____

Source: _____ Date rec'd _____

Name _____ Sex _____ Race _____

Action taken: _____

If rejected, reason: _____

If accepted, offer made: _____

Comments: _____

Chairman (Signed) _____ Date _____

scope of the religious freedom guaranteed by the First Amendment. The resolution of such a crisis is not at all clear.

The Supreme Court has, in effect, held that the rights of the handicapped must give way before the freedom of religion guaranteed in the First Amendment. This occurred in the case of Meek v. Pittinger, 421 U.S. 349 (1975), where the court held unconstitutional a state statute authorizing the provision of auxiliary services to private, generally religious, elementary and secondary schools. These services included special programs for the mentally and physically handicapped. On the other hand, colleges and universities are generally not required to be as set apart from public institutions as elementary and secondary schools, Americans United v. Rogers, 538 S.W. 2d 711(Mo.), cert.den. 97 S.Ct. 653 (1976). To what extent a school like Villanova could resist the mandates of state or federal legislation on the basis of religious freedom is a troublesome question which quite properly concerns some people on this campus. It does seem clear, however, that the governments involved could condition the receipt of public funds on compliance even if these governments might not be able to impose religiously objectionable regulations directly.

ENCLOSURE 9 - Page 1

VILLANOVA UNIVERSITY
(See Reverse Side for Instructions)
FACULTY POSITION AVAILABLE

Department _____

Position: _____ Time Position Becomes Available: _____

Requirements: _____

Salary range: _____ Duration of Appointment: _____

Apply to: _____

Deadline for Application: _____

Publication by Department: _____

Distribution by AAO: _____

Comments: _____

Signature: _____ Date: _____

ENCLOSURE 10 - Page 2

Form AA2 is to be filled out for each person applying for a position. The original should be attached to the curriculum vita submitted by the applicant. Copies are to be sent to the Vice President for Academic Affairs, the dean, and the Affirmative Action Office.

"Source" refers to the means by which the application is received (AAO, AA Registrar etc., or unsolicited) if known.

"Sex" and "Race" are to be inserted if known.

The original should be filed in the department office for at least a year for evidence of action taken and for consideration for positions that may become vacant.

VILLANOVA UNIVERSITY

(See Reverse Side for Instructions)

DEPARTMENTAL FACULTY RECRUITMENT REPORT

Department: _____

Position: _____

Date effective _____ Search period _____

Action taken to identify women and minority members: _____

Number of applications reviewed: Total: _____ Women _____ Minority _____

Number of applicants interviewed: Total: _____ Women _____ Minority _____

Summary of Committee Action: _____

Members of Committee (Signatures): _____

Chairman (signed) _____ Date _____

Dean (signed) _____ Date _____

Instructions Form AA3:

1. This form is to be filled out by the Chairman of the Search Committee/Department Chairman.
2. The "date effective" is the time when the position is available. The "search period" is the period during which the committee actually searched for candidates.
3. Action taken - specifically what steps the committee took, such as word of mouth, letters, advertising, etc.
4. Number of minority and women applicants applying should be to the best of the committee's knowledge.
5. Summary of Committee Action: Briefly, what action was taken by the Committee - anything pertinent to the committee search and final decision and the final decision made (name of candidate). The summary should include the statement that all Affirmative Action procedures were followed, etc.
6. Names of Committee members - signed by Committee members.
7. Dean's signature of approval. The dean's signature indicates that he is satisfied that all steps indicated in the procedure have been taken. The dean should retain the original copy for his files and send signed copies to the Academic Affairs Office and to the Affirmative Action Office.

3. Student Rights

When we speak of "civil rights" we usually refer to the several "liberation movements" which have been active in this country in recent years. Civil rights actually has a much broader meaning than those few movements - it refers to the protection of citizen's rights generally, particularly in their political and quasi-political aspects. On campus this has included such rights claimed by students as the right to fair proceedings when their status is in issue, and the right to privacy as regards access to records about the student maintained by the University. Just as the achievements of the "liberation movements" owe as much or more to the changing social climate and the struggles of individuals and groups on their behalf, these claims of greater student rights are not wholly the result of government regulation. Nonetheless the government has contributed to greater recognition of student rights, most significantly in the form of the "Family Educational Rights and Privacy Act," 20 U.S.C. §§1232g-1, popularly called the Buckley Act.

Administrators at Villanova waited for two years after the enactment of the Buckley Act for "it to be implemented" by DHEW regulations. During this period it may well have affected the conduct of some people at Villanova, but most seem to have awaited with considerable trepidation for the true voice of authority to speak. When it did there was an almost audible

collective sigh of relief that the regulations did not fulfill the worst fears of the campus community. As it was there is a feeling that the regulations were not carefully drafted - or, as it is sometimes put, that the draftsmen did not consult adequately with the affected communities. With only modest changes in procedures, however, most administrators concluded that they had complied with the regulations. The most important change was the drafting of a set of waiver forms for the students to sign to enable the school to release information on appropriate occasions. On the other hand a student's complete file is still not kept at any single location on campus. The Registrar keeps the basic transcript data; the appropriate Dean's office has current registration data; the office of the major department has records as to the student's progress in his or her major; the Dean of Men or the Dean of Women has disciplinary records; and so on. To centralize this data would be costly and possibly inefficient since it is now kept where it is administratively relevant. Not to centralize the data may violate the Buckley Act and its implementing regulations.

The effects of the Buckley Act are as uncertain as the effects of affirmative action. No one has reported a rush of students to see their records, although a few students have asked to do so. Most faculty and administrators have felt little or no effect on what they do from this Act. But a substantially

higher proportion of faculty did report an effect from this Act than from most government regulations. Also certain administrators felt the Act to be a great hindrance. What these faculty and administrators had in common is that they are heavily involved in the giving or receiving of recommendations. The Director of Admissions and faculty with admissions experience were unanimous that the recommendations they receive are virtually worthless. Faculty who frequently give recommendations often frankly admit that they now provide little or no real information. As one put it, "Opinions are suppressed. Only facts are given." But the facts can be, and are, gotten off the transcript. If the student is free to select whomever he wishes to give the recommendation, this may make little difference since the students will all receive uniformly favorable recommendations anyway. Where, however, all students with a particular goal are expected to have recommendations from a particular individual (e.g., the high school guidance counselor for those applying to be admitted to college, or the premedical advisor for applicants to medical school), these evaluations were formerly very informative, and sometimes decisive, in the admissions process. Given a large applicant pool, a hitherto useful tool for separating students whose paper records are otherwise very similar has been lost.

These losses of utility in the recommendation process may well be due to an overreaction to the Buckley Act, especially at the high school level (see Enclosure 12). At

the premedical advisor's office, however, his evaluations would be worthless except that 99% of his students waive their rights to see the evaluations (see Enclosure 13). Since students were already told the general tenor of evaluations before the Buckley Act, students have gained little new information, faculty have gained about 15% more work, and medical schools have gained considerable doubts.

If some, at least, of these problems represent an over-reaction, this merely highlights the difficulties of sorting out the effects of the Buckley Act from a generally heightened awareness of, and demand for recognition of, student rights. Some on this campus have even argued that the new student militancy was caused by the increasing governmental recognition of student rights, but in fact student militancy had appeared even at Villanova well before any apparently relevant governmental regulations were enacted. There was even a student strike at Villanova in the late 1960's. On the other hand, formal recognition of student power over data supplied by faculty might well feed a deepening sense of mistrust between students and faculty that several faculty members noted. This distrust manifests itself as well in the growing number of law suits challenging the fairness of proceedings even at private schools.* While private schools are not subject to the same due process

*See, e.g., Lyons v. Salve Regina College, 422 F.Supp. 1354 (D. R.I. 1976); Levine v. George Washington University College of Medicine and Health Sciences, D.C. Sup. Ct. Civil Div. No. 8230-76 (1976); and Winokur v. Yale University, N.Haven Cnty, Sup.Ct., Nos. 15-18-23 and 15-17-22 (1976).

requirements as public schools, the relationship between the student and the University is based on an enforceable contract which is generally interpreted to require reasonable fairness in any proceedings at the University. Villanova, when sued on this theory, like most of the other schools so sued, has prevailed on the merits. Nonetheless, these suits have contributed to a formalization of proceedings and a certain unease in relating to students.

In the conclusion, the Buckley Act and other government actions relative to student rights have contributed to some tension in University/student relations, but these actions certainly did not originate this tension. On the other hand, these actions have had little effect except in the recommendations processes as to what actually goes on on this campus. In part, this reflects the strong respect already accorded claims of confidentiality where such claims were made — as in the University Counseling Center (does this perhaps reflect the role of administrators used to the confidentiality of the confessional?) The limited impact also reflects, however, a willingness to risk evading the spirit, and perhaps the letter, of the act. There has been no centralization of records on campus. Many faculty and administrators now caption memos as "aide-memoire" in the belief that this is not part of a student's record, and need not be shown to a student demanding to see that record. But most of these problems are usually solved by demanding, and

getting, written waivers from the students. What is the utility of a law which can only be made workable by securing waivers from as many as 99% of the people the law is supposed to protect?

ENCLOSURE 12

Sample Statements of High School Policy

Swarthmore High School, Swarthmore Pa. - "School policy now precludes staff assessment of students by means of descriptive scales."

Haverford High School, Haverford, Pa. - "Due to recent legislation regarding student records, it has become more difficult for a counselor to communicate meaningful information through recommendations. For instance, it is no longer possible for counselors to solicit information from faculty members regarding personality, work habits, motivation, or other characteristics of the student being evaluated. Therefore, it has become inappropriate for counselors to complete check lists of counselee's character traits.

Consequently, the counselor's recommendation will deal fundamentally with the academic accomplishments of the student and his participation in school activities. Any other subjective appraisals by the counselor will be based solely on his personal observations and knowledge of the student."

Verona High School, Verona, New Jersey - "In recent publications the American School Counselor Association, a division of the American Personnel and Guidance Association, has strongly recommended that secondary school counselors not complete the academic, character and personality ratings requested for candidates seeking admission to institutions of high learning. The American School Counselor Association has also stated that counselors charged with the responsibility of completing college application information should not complete the check-off endorsement section of such application materials. In light of these declarations, Verona High School has decided to adopt a policy whereby it will complete only the summary and comments sections and send to colleges and universities only the front side of standard forms of the transcript recommended by AACRAO, ACAC, NASSP and ASCA.

**NOTICE: The material hereby sent
to you is provided on the condition
that other parties will not be given
access thereto without the written
consent of the covered student.**

**HEALTH PROFESSIONAL SCHOOL
COVERED BY WAIVER OF ACCESS.**

VILLANOVA UNIVERSITY

WAIVER OF ACCESS

"I, _____ having been duly admitted as a student to Villanova University, hereby waive my rights under existing laws to review, inspect, copy, or receive copies of, the records, information, evaluations, or recommendations, or any summary or consolidation thereof, submitted to and transmitted by Thomas D. Malewitz, Ph.D., Health Related Science Advisor, or his designates, pursuant to my requests and authorizations to make said disclosures and transmittals. I sign this waiver voluntarily and in the knowledge that such waiver cannot be made a condition of my receipt of benefits normally provided to students, viz. admission or financial aid.

I further agree that a copy of this waiver may be transmitted to all recipients of the above described information, so that the recipient will be aware that I have not seen the same."

(Date)

(Name)

(Current Address)

VILLANOVA UNIVERSITY

AUTHORIZATION AND RELEASE

"I, _____, having been duly admitted as a student to Villanova University, hereby request and authorize the Health Related Science Advisor of the Villanova University, and his or her designates, to disclose and transmit to the following named sources (in original, summary, or consolidated form), the personal evaluation, data and recommendation delivered to him at my request by other faculty members of Villanova University, together with his own additions or comments thereto."

- | | |
|-----------|-----------|
| 1. _____ | 11. _____ |
| 2. _____ | 12. _____ |
| 3. _____ | 13. _____ |
| 4. _____ | 14. _____ |
| 5. _____ | 15. _____ |
| 6. _____ | 16. _____ |
| 7. _____ | 17. _____ |
| 8. _____ | 18. _____ |
| 9. _____ | 19. _____ |
| 10. _____ | 20. _____ |

I for myself, my heirs, successors and assigns, hereby release, discharge, and exonerate the above named individual and Villanova University, its agents and representatives, both individually and collectively, from all claims, liability, or damages, of whatsoever kind, that may arise by reason of compliance, or good faith attempt to comply, with this authorization.

(Date)

(Name)

- 89 -

(Current Address)

91

Return to Dr. Malewitz - 115 Mendel

VILLANOVA UNIVERSITY
Villanova, Pa.

RECOMMENDATIONS TO HEALTH PROFESSIONAL SCHOOLS

NAME OF APPLICANT _____

Student No. _____

Major _____

	Superior	Above Average	Average	Below Average	Unsatisfactory	Unable to Observe
Scholarship						
Native Ability						
Motivation						
Initiative						
Judgement						
Industry						
Emotional Stability						
Cooperation						
Physical Vitality						
Personal Appearance						

Your personal comments are requested:

☐ Highly Recommend ☐ Recommend ☐ Recommend with ☐ Not Recommended
Reservation

Department _____

Signed _____

Date _____

Title _____

"This confirms that I have authorized the above faculty member to make the foregoing evaluation and to transmit the same to Dr. Malewitz."

I have ☐ have not ☐ waived my rights to inspect the same.

Date _____

Signed 92

4. Research.

Dr. George Yeh, Director of Research and Patent Affairs at Villanova, has prepared a detailed and thorough study of governmental impact on his area of responsibility. The following will briefly summarize his main conclusions, to be followed by the special analyses and recommendations from Dr. Yeh's report (see Enclosure 14).

As emphasis here has shifted from class-room teaching as the sole criterion of success to the broadening of the concept of teaching to recognize the importance of teaching through research, Villanova has recently undertaken to foster and improve faculty and graduate student research. The University has created an office to supervise and help in this process, but actual funds are very scarce unless outside funds can be obtained. The principal source remains government (state as well as federal). While the effects of this program are felt in only a few departments (14 of 18 contracts in 1975 were held by four departments in the College of Engineering), these effects could be more widely felt if the grant application were not needlessly cumbersome, and if both the government and the University were more flexibly structured so as to reduce the relative disadvantage of the Villanova faculty due to the small size of the University. These latter problems are perhaps more easily overcome than the former if both the University and the governments would encourage interdisciplinary research which does not require such large concentrations of faculty and students in a

single discipline to be effective, if the government would bear a greater share of the costs of developing applications (particularly unsuccessful, but worthwhile applications, which today are wholly unreimbursed except as indirect costs of campuses where large numbers of contracts are awarded), and if means for sharing costly capital equipment between departments, and possibly between campuses, could be worked out.

Given the number of government agencies sponsoring research, one is not surprised at the confusion confronting a novice seeking a first grant. Indeed, training by the University of junior faculty in grant application processes would probably help somewhat. Nonetheless, even experienced faculty with a number of successful grant applications behind them still face confusion and disorder when they seek the next grant. All too often one learns nothing from a failed application for funding — or even a successful one — except that the present system is chaotic and uninformative. Some faculty even have stated that they no longer bother applying for government grants because of the massive and confusing paperwork requirements. The source of this confusion is basically the independence of each government agency in administering its research grant program — in preparing forms, setting deadlines, in supervising and regulating projects, and even in ignoring its own regulations. While each agency does legitimately have certain unique features

which require different information from applicants and different regulations for the agency as compared to other agencies, most of the information sought and regulations imposed are sought or imposed for the same basic purposes. Standardization in these respects, with the burden on the agency to justify any departure from standard procedures would certainly rationalize a somewhat chaotic existing process, but this proposal probably ignores too many bureaucratic realities to be realized. At the very least, however, there should be a uniform requirement of a detailed explanation of why a grant application failed.

EXCERPTS FROM THE SELF-STUDY ON
GOVERNMENT SPONSORED RESEARCH
Special Analyses and Recommendations

PART IV.

In the following are special analyses and recommendations made on various aspects of grant administration at an educational institution. It is hoped that the party involved will give serious consideration to each of these recommendations made.

I. Proposal Preparation, Negotiation and Award

The effect of funding agency requirements for proposal preparation, negotiation and award on research administration has been an object of serious study by groups of research administrators across the country for some time. The scope of agency requirements includes:

- The development of the proposal documents by the principal investigator and his staff.
- The institutional review, approval and submission processes.
- Proposal processing between the University and the funding agency.
- The assessment by the University of the applicability of agency terms and conditions to the University.
- The award and acceptance process.

As already discussed in the above PARTS I and II, the governmental requirements and regulations are characterized by the large volume of descriptive material and the extent of variations, agency by agency. These conditions prevail despite the fact that each agency is seeking the same basic information about the proposed research.

Proposal requirements are viewed differently by administrative personnel, by academic researchers, and by scientific or academic administrators. Also, they are being applied to a wide range of different types of research proposals. Even the basic terminology relating to use of the terms "contract" and "grant" has been confusing and not determinative of the nature of the relationships created between the funding agencies and the universities.

The relationship of the proposal process to the institutional commitment, that eventually emerges is a matter of increasing concern, not only in the proposal stage but also during the negotiation and acceptance stages. The value of master or basic agency agreements is particularly evident during these latter stages since they tend to reduce the burden of detailed administrative reviews and negotiations.

Agency debriefings in connection with acceptance or, more important,

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rejection of proposals are a largely untapped source of management insights for both the agencies and the educational institutions.

Some of the unique and potentially burdensome or otherwise significant requirements of the agencies involve basic information about the proposal, provisions for pre-proposal agency contacts, use of prescribed agency forms, cost sharing, budgetary information and supporting detail, contact requirements, and agency review and evaluation processes. A number of specific agency provisions are of particular significance including the step-funding of NASA, the questionable administrative requirements of EPA, and the continuing and expanding relationships between the funding agency and the institution encouraged by the Sea Grant Program of NOAA.

Basic responsibility in the Villanova University system for the submission of contract and grant proposals is given to the Office of Research and Patent Affairs. The overwhelming bulk of proposal activity is carried out and controlled by the above office. Basic policy and procedures have been issued in the Grant Manual which covers such topics as the University's policies and procedures relating to the preparation, submission and negotiation of proposals, the administration of grants, and the continuing compliance of governmental requirements and regulations.

The divergence in agency requirements on a wide range of detailed items is a serious problem which is added to the high cost and effort requirements on research administration in terms of academic issues, conflicts of interests, non-standardized procedures, delays, record keeping, etc. No relief appears to be in sight.

The following recommendations are made in order to reduce the costs and effort requirements on research administration at the University:

A. Recommendations to Granting Agencies

(1) Federal Agency-University Coordination. Continuing mechanisms to coordinate relationships between the higher educational institutions and the Federal funding agencies on all aspects of extramural funding should be strengthened. Particular attention should be focused on such problems as providing an effective means of controlling unilateral agency departures or innovations in contract and grant requirements; clarifying the basic character and objectives of the research funding programs with universities; providing a systematic primary channel of regulatory and advisory communication; and strengthening the central coordination role in the Executive Office of the President on these matters.

(2) Selective Dissemination of Research Opportunity Information and Related Data. Educational institutions with significant research interests should develop or utilize automated selective dissemination systems for distributing announcements of research opportunities and related legislative, Congressional and agency materials from both governmental and private sources to individual

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members of the faculty and other research personnel. Grant information must be supplied by agencies on a regular basis.

Such a system could also be expanded to exchange information within the research community of the institution on on-going research interest and capabilities, aid in the development of interdisciplinary research proposals, and provide information on the availability of special services, unique items of equipment and specialized facilities that may be of interest to other research personnel.

(3) **Standardized Proposal Format.** A series of standardized research proposal formats should be developed by representatives of the Federal agencies and of selected universities for the major categories of research projects. Mechanisms should be developed so that the institutions have a significant voice in developing these formats and an opportunity for review by individual agencies before the requirements are made effective.

(4) **Funding of Proposal Preparation Costs.** Federal funding agencies should recognize and make specific provision for the funding of costs of preparing research proposals for the more complex research projects preferably as direct costs subject to reimbursement or, alternatively, as an element in the indirect cost recovery computations for educational institutions.

(5) **Multiple Year Funding.** Multiple year funding or step funding of research projects at educational institutions should be encouraged as a matter of national policy to gear such research to the educational programs, academic requirements and administrative needs of the universities.

(6) **Equipment Certification and Percent of Effort Requirements.** The special requirements of ERDA and ONR for a certification in connection with equipment purchases and or ONR, ERDA, NASA and Air Force relating to the special documentation of percentage of effort of investigators devoted to the project should be eliminated, and the underlying problems of property management and time commitment to the research project be specifically identified and resolved on a broader basis.

(7) **Support Data.** Requirements for detailed support data of budget estimates should be limited to major expense items (over \$2,500) that depart substantially (25% or more) from normal operating levels of expenditures by the institution and are subject to reasonable and detailed forecasts.

B. **Recommendations to the University**

(a) **Training in Proposal Preparation.** Formal training to junior academic and research members in the development and preparation of research proposals and of the supporting administrative data, drawing upon the experience of the senior research personnel, representatives of public and private funding agencies and

selective use of available literature on proposal preparation should be encouraged.

(2) Administrative-Management Considerations in the Proposal Process. At the time that preliminary consideration is being given to the development of a research proposal, arrangements should be made for active participation in the project planning process by selected campus interests. This should assure a balanced concern of academic-research and administrative-management interests throughout all stages of the proposal process and subsequent administration of the agreement.

(3) Campus-Agency Interaction. The Office of Research and Patent Affairs, the Office of Graduate School, Departmental Chairpersons, and Principal Investigators should make annual evaluation of campus-agency relationships on research, training and other programs on both an overall and agency-by-agency basis. These evaluations should be based on such sources as individual experiences; agency announcements and regulations; informal administrative and professional contacts; library reference information; annual reports; reasons given for revisions; rejection or acceptance of proposals; information on proposal evaluation methods and criteria; and results of audits and site visits.

On the basis of such data, a campus strategy and contract and grant research program approach should be developed generally and for each major funding agency. This information should then be widely reviewed and communicated to the campus community for guidance in the development and negotiation of research proposals.

2. Proposal Selection, Termination and Refunding

As the Congress continues to take on greater responsibility for ameliorating the complex problems of environmental protection, energy conservation, urban renewal, etc. of the 1970's and 1980's, as the Federal Government increases its role in sharing the traditional burdens of local and State units, and as Federal programs replace or supplement the heretofore private, non-profit sector of community and individual rehabilitation, Federal grants should no longer be viewed as sporadic dose of charity, but rather as essential components of responsible State and local government and private, non-profit action. Federal funds are now automatically included by local and State government budget directors in making future planning decisions, determining tax levies, and in setting resource allocation priorities well before the actual grants are in fact received. Educational institutions, medical schools, hospitals, housing administrators, urban renewal directors, community chest agencies, and welfare organizations are as dependent on Federal grants for their very survival as are the major industrial corporations on Federal procurement contracts. Despite the extensive increase in both the size and scope of Federal grants, there has not been a corresponding extension of "Federal Grant Law".

Contracts have been traditionally viewed as the appropriate legal mech-

anism for accomplishing the Government's own work. Grants, on the other hand, were conceived of as the proper procedure to employ when the work to be accomplished seemed to be that of the grantee's. As Federal grant programs expand at a rapidly accelerated rate, the above distinction blurs. We have reached the point where the grant route is the preferred modus operandi of the Federal Government in carrying out most of its education, health, social welfare, housing, environmental, energy, and transportation programs because of the broad range of discretion enjoyed by granting agencies in implementing often vague, and sometimes conflicting, congressional directives.

The ever-increasing flexibility in grant administration enjoyed by granting agencies is now allowed to under-cut basic constitutional safeguards against uncontrolled and unreviewable administrative conduct. To characterize Federal grant-making as somehow less important than Federal contracting and therefore, less deserving of legal protection is to fail to recognize the massive shift in the character and operation of Governmental programs which has been taking place during the past decade and therefore, to place the Federal support of thousands of city and State governments and private institutions, spending billions of Federal dollars, on the most tenebrous and unfair of legal foundations.

The following recommendations are made for the application of traditional due process principles to Federal grant-making, in particular to the three phases, viz. (1) proposal selection, (2) grant termination, and (3) grant refunding.

A. Proposal Selection or Rejection

Congressional legislation rarely specifies the detailed standards or procedures to be used by an agency in selecting its grantees. Few agencies give a written explanation of its action to applicants who have been turned down; and no agency provides a detailed explanation to individual applicants for their particular reasons of being rejected. If the reason was articulated, it would not only give some measure of due process to the applicant, but eventually would provide the agency with a written body of precedent to guide both its own future decision making as well as the applications of other hopefuls.

Therefore, it is recommended that:

- (1) the detailed standards and procedures to be used in selecting grantees be established;
- (2) if the proposal is turned down, a detailed explanation in written form be sent to the applicant, and;
- (3) courts should develop standards for reviewing the exercise of agency's discretion if necessary.

B. Grant Termination

The termination or suspension of a grant is often considered less important than the violation of the terms or conditions of a grant as a case by courts. Courts rarely will look deeply into the agency's exercise of its admittedly discretionary functions, except in flagrant instances of administrative corruption, political manipulation or outright fraud. Even those agencies, which by regulation, allow an administrative hearing in grant termination cases do not accord the grantee many traditional due process hearing rights.

Therefore, it is recommended that:

- (1) the detailed standards and procedures to be used in an administrative hearing in grant termination be established. Such standards and procedures should include the grantee's right to an independent hearing examiner and to take depositions of agency officials before the hearing or to inspect internal agency documents, and;
- (2) courts should develop standards for reviewing the exercise of agency's discretion if necessary.

C. Grant Refunding

Few agencies have developed any criteria upon which to base a refunding decision. In those instances where a grantee has received a number of consecutive annual grants in a program which has continued for a number of years, and there is no congressional cutback or shift in priorities, it would seem that basic due process should accord such a grantee at least the right to a fair hearing should it be denied refunding for programatic reasons.

Therefore, it is recommended that the detailed standards and procedures to be used in making a refunding decision be established by agencies and that courts should develop standards for reviewing the exercise of such discretion.

3. State-Sponsored Programs

The National Science Foundation indicates that total expenditures by State agencies for R&D in a wide range of natural and social science areas rose from \$72 million in 1964 to over \$263 million in 1973. This is a clear evidence of a nation-wide increase in the number and volume of programs sponsored by State government agencies at higher education institutions in recent years.

While allowing the local educational institution an opportunity to participate in the identification and solution of problems of concern to the State, there are increased difficulties of communication and cooperation in sponsored program management. The present status of relations between State sponsoring agencies and education institutions may be indicated by comparison with Federal sponsoring practices. The Federal Management Circular (EMC) Series, for instance, has been developing for over 20 years. At the very least, the EMC Series provides a common language in which participants in a sponsored program relationship may disagree; at best, it allows clear communication. By comparison, the relatively small interaction between education institutions and State funding agencies has generally not stimulated such development. Often, the degree of sophistication with which education institutions and State agencies interact is roughly comparable to that which characterized relationships with the Federal government in the late 1940's. There are areas of the state-sponsored program relationship which need improvement. In particular, those areas outlined below deserve immediate attention.

1. Contacts between agency and institution personnel have tended to grow up casually. Sometimes this results in an agency's soliciting a proposal from an individual faculty member who will respond without knowledge of the appropriate institutional administrators. The possibilities for confusion and error are then great.
2. Exclusive communication between agency personnel and individual faculty, cited in item 1, sometimes continues after funding. Thus, for instance, a faculty person will unilaterally negotiate a change in work program or budget of a sponsored program, again without knowledge of the appropriate administrative officer.
3. The historically small and scattered character of State agency sponsorship is also responsible for the fact that procedures for publicizing pending opportunities are poorly developed. There is in the State of Pennsylvania, for instance, no counterpart to the Federal Domestic Assistance Catalog or the Commerce Business Daily in the State of Pennsylvania.
4. Lack of communication between State agencies and the higher education institutions is indicated when opportunities for joint pursuit of Federal funds pass by unnoticed. Cooperative efforts between State agencies and education institutions could result in comprehensive programs utilizing all relevant resources.

5. Full recovery of indirect costs at the Federally negotiated level is a major concern. In most cases, State agencies do not reimburse at the Federal rate. A variety of arguments is advanced to justify no indirect cost reimbursement or only a "token" rate. The net effect is to make State sponsorship more expensive for the education institution.

Viewed from the Federal perspective, the matter is more complicated. FMC 73-8, which sets indirect cost recovery rate in Federal programs, assumes that like costs are accounted in like manner for all sponsored programs, regardless of the source of funding. State agency requests to itemize some indirect costs as direct line items violates this assumption. Moreover, State agencies often refuse to reimburse indirect costs at the Federal rate even on "pass through" funds, where the ultimate source is Federal and FMC 73-8 would seem to apply.

6. There tends to be greater variety of reporting forms and requirements in State sponsored programs. Complainers about this variety are not trivial. Varying report methods are more cumbersome and less efficient. And almost invariably, the format in which the institution is required by other sponsors to preserve financial and personnel data is incompatible with requirements of the State agency. This means that extra data manipulation must be performed, or that extensive hand-kept records must be maintained.

7. Intellectual property is also of concern. State agencies often take a parochial viewpoint concerning rights in data, patents, copyrights, and right to publish. Agency policy often asserts that since the agency sponsors the work, any resulting rights in data, rights to publish, and patent or copyright privileges reside completely with the agency. Such unilateral claim to rights usually does not fit the nature of an academic institution.

It is therefore recommended that the State Government develop a directory of individuals to contact within the higher education community concerning sponsored programs supported by funds from the State of Pennsylvania and another similar directory reporting on the State agency personnel. The development and distribution of the above two directories would improve the communication between the State agencies and the higher education community.

It also is important and therefore recommended that task forces be set up within the State Government to develop policies and procedures for pre-award and post-award activities, cost principle, indirect cost recovery, payment procedures, intellectual property, etc.

PART A. Experiences In Government Sponsored Research At Villanova University

1. History

The history of Government sponsored research at Villanova University is relatively short — it spans approximately twenty years. Until early in 1975, the University's sponsored research program had been administered by the Office of Research and Development under the direction of the Director of Research. During this period, the University has contracted many R&D projects primarily from the Department of Defense, Department of Transportation and Local and State Government. It has received a number of research grants primarily from the Department of HEW, National Science Foundation, National Aeronautics and Space Administration, Environmental Protection Agency and Atomic Energy Commission. The University's sponsored research program reached its peak in the middle of the 1960's when the national expenditure for space-related R&D activities was at its highest. As the Congress started cutting back its appropriation for space R&D activities and shifting rapidly its funding priorities in recent years the dollar volume of the University's Federally sponsored research continued to decline from approximately \$200,000 in the peak year 1966 — 1967 to approximately \$50,000 in the year 1970 — 1971.

2. Administration

The present research policy and procedures were established and implemented early in 1974, when the present Office of Research and Patent Affairs was instituted. This office is the central office of the University responsible for the administration of research and related activities on campus. Its functions include:

- 1) Research Policies and Administration
- 2) Patent Policies and Administration
- 3) Financial Activities Relating to Research and Patent Affairs

The detailed job description of this office may be found in the University's Grant Manual — Fall 1975.

Needless to say, the Office of Research and Patent Affairs is the focal point for the administration of sponsored research and projects at the University, and gives services relating to:

- grant proposal submission
- negotiation
- record keeping
- equipment acquisition and management
- progress and financial reporting

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In addition to the above office, there are several centralized administrative units that are involved in the administration of sponsored research. These centralized offices are:

Controller's Office
Purchasing Department
Payroll Department
Personnel Office
University Stores
Graphic Services
University Computer Center

The detailed administrative policies and procedures presently used in the sponsored research program are described in the University's Grant Manual — Fall 1975. As indicated above, these policies and procedures were established and implemented after the year of 1974, prior to which the University's administrative procedures relating to sponsored research had been casual and somewhat unstandardized.

3. Volume and Scope of Governmental Research

In the years 1975 - 1976, a total of \$509,300 were received from various governmental agencies and their contractors for R&D projects carried out by the faculty. The above governmental dollars received represents approximately 75% of all research funds, including those supplied by the University and 1.0% of the University's entire operating expenditures for the same year.

The funding agencies from which the above government supports were received are listed in the following, including also the approximate percent of the total support that each agency gave.

<u>Agencies</u>	<u>Approximate %</u>
• Public Health Service	18%
• Department of Defense	22%
• Department of Transportation	20%
• State of Pennsylvania	20%
• National Endowment for the Humanities	1%
• Energy Research and Development Administration	3%
• City of Philadelphia	6%

The academic departments which received government grants and/or contracts for the same year are listed below:

<u>Academic Departments</u>	<u>Number of Grants or Contracts</u>
Chemical Engineering	1
Chemistry	1

<u>Academic Departments</u>	<u>Number of Grants or Contracts</u>
Civil Engineering	7
Electrical Engineering	1
Mechanical Engineering	5
Political Science	1
Psychology	1
Sociology	1

The above grants and contracts were the only form of government support received for R&D activities carried out in the year 1975 - 1976.

Approximately, 40% of the government support received was for work in basic research, and the rest of the support was for the work in applied research and development.

4. Effects on the University

Traditionally, Villanova University has been primarily a "Teaching University", whose major interests and functions are geared to class-room teaching — or "man-to-man instruction". Teaching through research and publication, cutting across space-and time boundaries, has never been considered seriously as a route of education by the University Administration until recently. But, as the University's academic programs grew in scope and size, as the nation's higher education community continued to put a greater emphasis on "teaching through research", and as the Federal Government continued to provide a greater share of the nation's higher education budget, primarily through research grants, the University has gradually modified its academic policy in recent years. It now recognizes its responsibility not only for the dissemination of knowledge, but also for seeking new knowledge through research and scholarship. As the percent of the faculty who are holding a terminal degree increased and as the University's graduate program expanded in size as well as scope, the University's research program also grew in extent and intensity. Now, a majority of the faculty are interested in serious research and active in the fields of their own specialization. The importance of research contribution by the faculty is indicated clearly in the University's policies relating to faculty appointment, promotion, tenure, etc. In addition, the University has established a faculty research program (in the year of 1974) for sponsoring faculty research. The faculty are encouraged to develop proposals for sponsored projects through the aids provided by the above program and the Office of Research and Patent Affairs.

Creative activity stimulated by research is an essential and integral element in the learning process. Thus, even small universities engaged in graduate education are committed to a research program.

The substantial and increasing cost of research makes external support essential. Such grant and contract research can be, and usually is, compatible

with the academic-research program and teaching goals of the university. Grants for unsolicited proposals provided by the basic research directorates of NSF provide an excellent mechanism compatible with university research structure, whether small or large. Similarly, a number of mission-oriented agencies have promoted grant and contract opportunities for universities to contribute to fundamental and applied research in their areas of responsibility. Based on unsolicited proposals prepared by faculty members, they support the traditional professor-graduate student arrangement that so effectively couples graduate training and basic research. Since such grants reflect the capabilities and interests of the individual investigator(s), they are equally adaptable to small and large universities.

Mission-oriented, university research supported by a number of government agencies, such as DoD, NASA, etc., have had many of the characteristics of such NSF grants. While directed to a specific task, they have permitted a combined fundamental and applied approach easily related to the traditional university structure, or in the case of large size programs, to the research centers. In the latter case, it has been interesting to observe contributions to specific research projects from the intellectual stimulation associated with cross discipline interaction. In their selected areas of expertise, small universities have been able to contribute to the national needs in these programs.

The increasing emphasis on research related to contemporary problems, national and societal, represents the newest and most difficult challenge for university research participation. Congressional pressure applied through budget control is for early results and solutions to current problems, as evidenced by the establishment of such special funding programs as RANN in NSF, EPA and ERDA. Research on such problems often requires an extension of the traditional university research structure to accommodate (1) a team approach, (2) participation by several disciplines, (3) a large scale and intense effort and (4) development and/or demonstration capabilities. Villanova University must consider carefully potential approaches and means which can effectively help its participation in contemporary research activities.

3. Areas of Difficulty, and Recommendations

Through research administration at Villanova, the following three areas of difficulty in sponsored research have been found to stand out among other less serious problems in academic research on campus:

- (1) fostering of sponsored research;
- (2) organizing of interdisciplinary research capabilities; and
- (3) availability of research equipment.

The nature of the above problems and some potential solutions to them are to be discussed in the following.

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A. Fostering of Sponsored Research

The most basic problem confronting smaller universities, such as *University of California, San Diego*, conducting sponsored research is that of establishing a "critical mass" research effort with respect to manpower and equipment; that is, an effort of sufficient size and capability to be nationally competitive off-campus and to attract administrative and faculty support on the campus. Clearly, the total research resources of a university, including personnel and equipment, as well as faculty interest and capabilities, become more limited as the size of the institution decreases.

Traditionally, our universities have been departmentally structured, discipline-oriented, and with limited breadth. In small and medium-sized universities, such departments are relatively small (8-12 members), and the teaching commitments of department members make it difficult to develop critical mass research effort with the remaining manpower. This is in contrast to very large universities where departments may include 40-50 faculty members and where the research manpower, after fulfilling teaching commitments, is sufficient to organize significant research thrusts within the department. The challenge in smaller universities is a means to achieve a critical mass effort of people and capabilities in selected research areas by optimizing university resources without precluding traditional opportunity for those faculty members who wish to pursue individual research interests.

One means of developing critical mass research efforts is the establishment of interdepartmental research centers/institutes, each focused on a specific research area or highly-related areas and deliberately encouraged by the university. Selected areas stress existing university strengths. Each center/institute invites participation by faculty members and graduate students from existing departments and draws on the total capabilities of the university in its recognized research area, thus developing a coordinated and centralized research effort. The research center concept is not new in the university scene. A number of such centers have been established on different campuses for a variety of reasons. At smaller universities they are essential to achieve a critical mass effort.

Successful establishment and operation of such campus centers/institutes involves several considerations. First, it requires the identification of capabilities; people, interests, and activities. Secondly, but importantly, it is assisted by a tradition of sharing resources, such as crossing departmental boundaries and acceptance of a central facilities concept. Third, it requires very close coordination and cooperation between academic and research administration. Each of these considerations depends upon a central research administration, concerned with the total research resources of the university, and actively involved in decisions related to the eventual deployment of these resources.

While the primary purpose of such center/institutes at small universities is to focus the university's research resources in selected areas, there are several important by-products. For example, it has been interesting to observe the evolution of research projects from single discipline to multidiscipline and even interdisciplinary research as intellectual interaction occurs among the participants of a center. A corresponding extension of research ideas and new approaches to problem solution has been equally rewarding.

A major contribution of the center concept for university research is the relative flexibility of this type organization. Since a center's primary staff consists of the part-time services of faculty members and graduate students from the departments, a center may grow; or it may shrink and could disappear, if warranted, with comparative ease and minimum campus perturbation. In spite of this flexibility, the center concept provides an effective means to rally campus response to an urgent research need, particularly research requiring the combined knowledge of several disciplines by providing campus visibility, a broader interpretation of the problem(s) and potential solutions amenable to campus capabilities. Recent concern for research on the energy problem illustrates the point. Finally, research organization by centers assists small universities with the financial burden of research - especially in providing necessary equipment by helping to implement a central facilities concept for high cost, sophisticated instrumentation; thus avoiding unnecessary duplication of expensive facilities and operating costs, while assuring adequate facilities in good operating condition.

Fundamentally, campus organization involving research centers permits smaller universities to participate effectively in contract research with government agencies in the university's selected areas of research emphasis. The challenges and many of the problems of small and large universities therefore are quite similar and include: (1) an appropriate concern for fundamental research, (2) the increasing emphasis of government programs relating to temporary research, (3) new and changing government research programs, and (4) a pressure for early results and solutions to current problems.

At small universities, research centers appear essential for participation in contemporary research activities. In fact, the centers can provide a continuing mechanism for the identification and mobilization of university resources, a background for team and interdisciplinary approach and campus and agency visibility. Thus, the consortium approach can extend research resources, facilities and capabilities. Furthermore, research centers can facilitate university-government interaction in helping make changes necessary in response to the shifting in funding priority of the congress.

Organizing of Interdisciplinary Research Capabilities

Interdisciplinary research (IDR) activities have expanded rapidly in the past decade due, in part, to two main influences: recognition by academic researchers and funding agencies of the need for

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interdisciplinary modes of inquiry into various areas such as transportation, energy, pollution, etc.; and (2) increased emphasis placed by governmental agencies upon the use of interdisciplinary research teams in accomplishing research projects and programs.

One aspect of IDR management is the task of organizing for interdisciplinary research in an academic environment where very strong boundaries typically exist around individual disciplines.

There are several possible organizational approaches which may be used to coordinate and manage IDR projects and programs. The major types are identified and described below:

- A. **Independent Research Laboratory or Institute.** Operates much like a non-profit research institute with a high degree of autonomy.
- B. **University-wide Research Center.** Established independent of a particular college for the purpose of drawing faculty together from various disciplines to work on IDR projects and programs.
- C. **Interdisciplinary College or School.** Involves the formation of a college for the purpose of teaching, research, and public service in an interdisciplinary mode.
- D. **Matrix Approach.** Involves multi-college participation in policy formulation and monitoring of research activities. Unit functions similar to B above, except there is a greater college/departamental involvement in policy development and general direction.
- E. **Project Team Approach.** Consists of a group of faculty with common interests assembled to develop a research proposal and to accomplish the research project if it is funded.
- F. **Committee.** A group of faculty appointed to a committee with capabilities and interests in examining an IDR area of common interest. The committee members represent various disciplines.
- G. **College-School Approach.** Research unit formed to coordinate research activities and serve faculty in a particular college.
- H. **Informal Faculty Group.** Consists of an informal assembly of faculty with common interdisciplinary research interests. Normally, an informal leader identifies potential participants and attempts to draw them together for discussion and possible research involvement.

There does not appear to be a clear indication of which approach is best to use on IDR projects. Each has certain tradeoffs between interdisciplinary flexibility

and disciplinary emphasis. Effective planning and accomplishment of large-scale IDR projects will necessitate achieving some degree of interdisciplinary flexibility. Thus, movement from II toward A appears essential. The extent of rigidity of disciplinary boundaries is probably the major influence upon the type of organizational concept utilized in a particular institution.

In many institutions, organizational approaches to IDR have simply evolved over time with limited forethought as to which concepts might be more appropriate in a given institution and research area. While no single organizational concept stands out as the best approach to managing IDR, feasible alternatives can be identified by following a systematic process of organizational design.

At Villanova University, the project team approach has been used effectively in carrying out a number of interdisciplinary research projects — examples being those sponsored research activities at the Institute for Transportation Study. The University should further evaluate the effectiveness of existing approach and consider feasible alternation for better management of IDR in future, or for other areas of research.

C. Availability of Research Equipment

One of the many constraints on the output of the faculty engaged in scientific and engineering research is the timely availability of the necessary equipment to carry out planned experimental work.

While the total value of research equipment carried as property at the University may seem large, that value is only a fraction of the salary costs incurred over the life of the equipment. Thus, time saved by researchers in finding equipment results in a substantial direct cost saving in salary monies. Finding and maintaining would not only enhance the faculty's productivity, but also help in their keeping a continued optimistic outlook toward their research projects.

It would be very desirable for the University to develop and implement an effective equipment assistance system. Such a system should be capable of providing at least the following:

- 1) A means of identifying and locating useable, highly diversified research equipment to allow planned research to be conducted without unnecessary new item purchases.
- 2) Information on availability for use by others of equipment items assigned to and used part of the time by one individual or research unit.
- 3) A means of identifying unused equipment so that provision can be made for proper storage and necessary maintenance.

- 4) A capability for knowledgeable decision making relative to disposal of obsolete or high maintenance cost items.
- 5) A means for retrieving problem solving types of information; for example, potential spare parts sources on the campus
- 6) Means for timely maintenance, replacement cost projection, etc.

Needless to say, such a system must be acceptable by the University researcher, if it were to be effective.

The functions involved in an effective equipment assistance system are: (1) information gathering on the existing equipment, (2) inquiry processing based on requests for equipment needs, both existing and new, (3) User education, (4) computer support, (5) maintenance and storage requirements, and (6) replacement planning.

The Office of Research and Patent Affairs can act as focal point for the system, if the necessary manpower is made available.

5. Miscellaneous General Policies.

There are five further aspects of the government-campus relationship which deserve some comment but cannot be fully developed here. Four of these aspects will not be developed at length because they involve policies generally applicable to society where the effects either have only begun to be felt on campus, or are felt so indirectly as to preclude thorough analysis within the scope of this study. The other aspect, the volume and nature of reports to the federal government, will not be dealt with in detail here because its details are largely covered in the first four sections of this part of the report. The remaining four aspects are: grade inflation, economic inflation, labor policy, and plans for state coordination of colleges and universities.

a. Federal Reporting Requirements. The federal government now requires a vast amount of data to be collected and reported by universities receiving federal money. Some of this is directly devised as a means of specifically accounting for the use of the funds, and of specifically demonstrating the degree of achievement of the purposes for which the money was provided. Many of these reports are more general, however much the reports are required on the basis of demonstrating compliance with various governmental policies. At one point in time these many reports, as well as similar reports to the state, were a nearly hopeless confusion. In recent years this general reporting process has been considerably

rationalized by the development of the Higher Education General Information Survey (HEGIS). HEGIS combines the numerous reports and reduces the number to 13. These are assembled and submitted to Harrisburg where the data is used for state purposes, and thereafter is forwarded to the federal government. Sepcialized direct reporting as to funds, of course, is continued, while general reporting requirements are changed from year to year to accommodate various policy shifts. Thus HEGIS has certainly not solved all problems, and the Registrar's office still commits about one month of a sophisticated clerk's time to completing the HEGIS forms. Still, this system of reporting might be the best feasible model for rationalizing some of the other programs which now verge on chaos — such as financial aid grants or research application grants.

HEGIS also produces some strange results in the ultimate uses of the data. Over the years the federal government has assembled ever greater amounts of information, and the government has undertaken to publish the results in numerous paper-bound volumes which read like no more than so many thousands of pages of computer printouts. Besides the obvious question of whether anyone ever reads these books, one must ask:

What useful purpose, if any, do these publications serve?

*The change with seems to stick most prominently in people's minds is the ban on collecting racial data followed several years later by the requirement that such data be reported.

What is the validity of this data when aggregated with numerous other schools?

What is the cost of these publications?

Do the results merit the expense not only to the government, but also to the various schools which must provide the data?

These very same questions might well be asked with regard to HEGIS itself.

b. Grade Inflation. It appears that nationally grades have gone up by about half a point on a four point scale over the past ten years. Many also believe that this rise did not reflect any real rise in the quality of student work. While the precise degree of such change will vary from campus to campus, and perhaps from department to department, the foregoing is incontrovertible. There is not anything near a consensus as to the causes of this phenomenon. At Villanova, at least, about half of the faculty see this as a result of governmental policies, the most important of which was the Viet-Nam War. This report is not, however, the place to attempt to evaluate the effects of the War on this or any other campus. Almost as popular a choice at Villanova is governmental efforts to change the mix of the student body — something of a surprise given the negligible effects of such efforts at Villanova.

A final favorite is the tight job market. This, it is alleged, affects grades in several ways. Faculty give good grades to help students find jobs or gain admission to

graduate or professional schools. Also younger faculty give good grades to secure good student ratings on the road to tenure and thereby avoid the tight job market. If this last is true, then the growth of recognition of student rights is involved (which in part reflects governmental policies). The tight job market itself, particularly in academia, reflects major government policies (see particularly the discussion under Affirmative Action above).

The question of the causes and effects of grade inflation is too complex to be more than glimpsed here. It does, however, involve many government policies, and probably other important forces in society as well, all interacting in subtle ways. Therefore, the effects of any given policy in this regard may never be fully sorted out. Nonetheless, the problem deserves careful attention and the role of governmental policies seems to be a promising way to begin.

c. Economic Inflation. In an era of rapid inflation, costs of higher education have risen faster than the Consumer Price Index. Cutting costs can be of only very limited help since at Villanova 88% of the budget might be termed fixed costs. There are buildings to heat and light and pay for; there are tenured faculty to be paid; there are students to feed; and so on. The government has helped somewhat with financial aid to students (but not to faculty or staff), and with occasional capital grants, but this has really not counterbalanced the effects of the inflation.

The result has been steadily rising tuition, faculty salaries which do not keep pace with general inflation, and maintenance deferred. The cause of this budget bind is again government policies of very general application.

While it would be inappropriate to attempt to explore this question more fully here, these facts do suggest that the government has not fully concerned itself with the peculiar effects of inflation at Villanova or on other campuses when setting policies which might counterbalance it.

d. National Labor Policy. National labor policy has affected Villanova in two ways — through the National Labor Relations Act and the Occupational Safety and Health Act. Each of these acts has produced some changes already, and each has a high potential for creating further changes.

The N.L.R.A. has already produced one union on the Villanova campus — that of the custodial and maintenance employees. Some consider this a clear gain for the concerned employees; others consider it a clear loss for the University. Regardless of how one views this event, even without any dramatic changes in the salary or working conditions for its members, the union provides a model which may become more attractive to academics on the campus as time goes on — especially if faculty salaries continue to lag behind general inflation. Such a union would probably make the budget bind tighter. An academic union would also raise important questions about professional freedom on campus, and of the proper faculty role in University governance. Both of these issues

are familiar enough from observing the experiences of other campuses already having such unions. At Villanova such a union, and an attempt of the government to impose it on an unwilling administration, might additionally raise questions of religious freedom such as have already been successfully raised with regard to NLRB attempts to regulate the unionization of teachers at Catholic elementary and high schools. See Catholic Bishop of Chicago v. N.L.R.B., 82 CCH Lab. Cas. P10,066 (7th Cir. 1977); and Caulfield v. Hirsch, 95 LRRM 3164 (E.D. Pa. 1977). These arguments do not seem applicable at the college or university level, however, although defining the appropriate bargaining unit can be troublesome — should it include clerics, for instance? See Niagara University v. NLRB, 82 CCH Lab. Cas. P10,037 (2d Cir. 1977); D'Youville College, 225 NLRB 104 (1976); and Seton Hall College, 201 NLRB 1026 (1973).

OSHA has also had some impact since the "Standards" published by the Department of Labor are used as something of a guide to updating safety and health practices. Nonetheless, the multivolume lists of regulations could hardly be fully read, let alone fully complied with. At times these regulations descend to trivia — how far should the base of a ladder be from a wall? Such regulations are virtually impossible to enforce even after the fact as a test for negligence in a tort suit. The most important safety and health practices were already regulated by insurance companies and local health

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and safety inspectors. Thus the need or efficacy of these regulations at Villanova is again debatable.

e. State Coordination. The Commonwealth of Pennsylvania is now considering a master plan to channel the future evolution of higher education in the state through financial and regulatory controls. This is seen as both a threat and a potential help to the University, as is the regionalization that is sometimes discussed. At the present time any changes which come about would affect the Departments of Education and Library Science. Given the deluge of unemployed recent graduates in these fields, they seem to be a good place to begin coordination. Once again, however, questions of religious freedom arise.

* The Radnor Township inspectors have been exceptionally strict for many years. Only recently, for example, have they allowed mobile ice cream sales in the Township, and then only if nightly coliform samples are provided the Township lab.

B. Impacts on Campus Constituencies

1. Administrators

In general, administrators as a group are the most directly affected by governmental regulations. Hardly a central administrative office can be found today without also finding major government programs and considerable compliance efforts. College and departmental administrators also spend much of their time and effort filling out forms made necessary by various government regulations or otherwise complying with government policies. The details of these processes have been discussed in Part III A above, for most of the matters there discussed are primarily of active concern only to administrators, even though their effects are often felt widely throughout the University. Notwithstanding the substantial differences in experience of these administrators, their reactions to governmental policies on campus are remarkably uniform.

In general, administrators feel considerable frustration with the confusion, contradictions, and occasional irrelevance which are found in most government programs. In addition to these feelings, most administrators also believe that federal programs and policies directed at campuses make very little real difference except in so far as these programs provide funds. Probably the only priorities changes induced by the recent activities of the federal government have been a slight acceleration of the expansion of the College of Nursing, a modest acceleration of the adaptation of the campus to the needs of its women students, and the considerable

expansion of the student body through financial aid. The structure of the campus and the tone of life within that structure are believed to be almost unchanged.

These perceptions of administrators are largely valid. What they perhaps overlook is the role the campus bureaucracy itself plays in generating, or at least perpetuating, those problems. Villanova is still of relatively modest size as universities go. Although Villanova is no longer a truly small school, it is still small enough to be relatively informal. One can still get a direct response from the President or a Vice-President on many questions. But it is gradually evolving explicitly defined decision-making structures and the other formalities which seem to be an inevitable consequence of growth. The tone of the campus is changing, and probably would change quite apart from any government programs or policies. These merely help carry the process forward. The congruence of these evolutions only makes separating these separate influences more difficult, if not impossible.

2. Faculty

Overall the faculty at Villanova is quite unaware of any major effects of governmental, particularly federal, policies on them or the University. These results become apparent when one examines the responses to the faculty survey questionnaire prepared as part of this study (see Enclosure 5). The faculty responses (Table I) generally vary between no perception of governmental impact (a score of 1.00)

TABLE I
ALL FACULTY (83)

QUESTIONS

<u>Score</u>	<u>10</u>	<u>11</u>	<u>12a</u>	<u>12b</u>	<u>13</u>	<u>14</u>
Yes 1	33(39.8%)	19(57.6%)	6(27.3%)		51(61.4%)	39(46.9%)
No 2	50(60.2%)	14(42.4%)	16(72.7%)	2(33.3%)	9(10.8%)	18(21.7%)
3					3(3.6%)	9(10.8%)
4				2(33.3%)	4(4.8%)	5(6.0%)
5				2(33.3%)		
No Ans.					16(19.3%)	12(14.5%)
Ave.				3.67	1.34	1.72
	<u>15</u>	<u>16</u>	<u>17</u>	<u>18</u>	<u>19</u>	<u>20a</u>
Yes 1	52(62.7%)	58(69.9%)	48(57.8%)	40(48.2%)	66(79.5%)	14(16.9%)
No 2	13(15.7%)	10(12.0%)	13(15.7%)	14(16.9%)	10(12.0%)	60(72.3%)
3	6(7.2%)	6(7.2%)	5(6.0%)	10(12.0%)	2(2.4%)	
4	3(3.6%)	1(1.2%)	4(4.8%)	8(9.6%)	1(1.2%)	
5			3(3.6%)	5(6.0%)		
No Ans.	9(10.8%)	8(9.6%)	10(12.0%)	6(7.2%)	4(4.8%)	9(10.8%)
Ave.	1.46	1.33	1.64	2.01	1.22	
	<u>20b</u>	<u>20c</u>	<u>21</u>	<u>22a</u>	<u>22b</u>	<u>22c</u>
Yes 1	16(80%)		69(83.1%)	3(3.6%)	8(88.9%)	
No 2	2(10%)	1(50%)	3(3.6%)	72(86.7%)	1(11.1%)	
3			2(2.4%)			
4	2(10%)	1(50%)				
5						
No Ans.			9(10.8%)	8(9.6%)		
Ave.	1.40	3.00	1.09		1.11	
	<u>23a</u>	<u>23b</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27a</u>
Yes 1	42(50.6%)	5	59(71.1%)	54(65.1%)	33(39.8%)	16(19.3%)
No 2	18(21.7%)	7	9(10.8%)	15(18.1%)	28(33.7%)	15(18.1%)
3	12(14.5%)	19	8(9.6%)	9(10.8%)	8(9.6%)	22(26.5%)
4	4(4.8%)	5	2(2.4%)		2(2.4%)	14(16.9%)
5		22	1(1.2%)	1(1.2%)		4(4.8%)
No Ans.	7(8.4%)	(5)3	4(4.8%)	4(4.8%)	12(14.5%)	12(14.5%)
Ave.	1.71		1.44	1.47	1.70	2.65

TABLE I (cont'd)

Score	27b	28a	28b	29	30a	30b
Yes 1	1(2.0%)	53(63.9%)	1(6.2%)	10(12.0%)	15(18.1%)	23(27.7%)
No 2	14(28.6%)	6(7.2%)	5(31.2%)	71(85.5%)	17(20.5%)	14(16.9%)
3	14(28.6%)	9(10.8%)	6(37.5%)		23(27.7%)	14(16.9%)
4	18(36.7%)		4(25.0%)		1(1.2%)	
5	2(4.1%)	2(2.4%)				
No					5(6.0%)	12(14.5%)
No Ans.		13(15.7%)		2(2.4%)	22(26.5%)	20(24.1%)
Ave.	3.12	1.46	2.81		2.18	1.82
	30c	30d	30e	30f	30g	
Yes 1	15(18.1%)	27(32.5%)	26(31.3%)	19(22.9%)		
No 2	13(15.7%)	11(13.3%)	13(15.7%)	13(15.7%)		
3	19(22.9%)	5(6.0%)	7(8.4%)	9(10.8%)	1(1.2%)	
4	8(9.6%)	1(1.2%)	3(3.6%)	2(2.4%)	1(1.2%)	
5					1(1.2%)	
No	4(4.8%)	15(18.1%)	13(15.7%)	15(18.1%)		
No Ans.	24(28.9%)	24(28.9%)	21(25.3%)	25(30.1%)	80(96.4%)	
Ave.	2.36	1.55	1.73	1.86	4.00	

to perception of only slight governmental impact (2.00). The only substantial departure from this pattern overall is with regard to affirmative action in hiring (question 27a), where, however, there is almost equal division as to whether this impact has been positive or negative (27b). Aside from this question, the only area where the consensus would appear to unequivocally support even a slight impact would be with regard to the Buckley Act (questions 17 and 18), and with regard to changes in the tone and structure of campus life (question 30). We have seen some genuine effect from the Buckley Act, but little real effect from affirmative action. Administrators would also disagree with the changes in tone in structure. The reasons for these perceptions, then, deserve some examination.

There is, in fact, considerable disagreement in most of these questions between different faculty members. Despite the apparent consensus, there are at least a few who perceive high government impacts for almost any of the questions asked. The answers to the questionnaire form were tabulated according to a number of variables in an effort to discover any pattern which would suggest the causes for the differing perceptions. These factors were faculty rank (Table II), tenure status (Table III), number of years in teaching (Table IV), number of years at Villanova (Table V), sex (Table VI), race (Table VII), and subject area (Tables VIII and IX). Table II through V may collectively be taken to measure the responses of younger, middle, and older faculty. The other variables one

would expect to be more independent. Cross-correlation of several variables might produce further insight, but at the risk of suggesting more confidence in the results than would be justified for what is definitely only a preliminary, almost rudimentary, study. The following conclusions are meant to be suggestive. These conclusions are certainly not definitive.

Examining Tables II to V together one should be struck by the high degree of consistency of the composite answers as one moves from younger to older faculty except in regard to affirmative action generally (questions 26, 27, and 28), and in regard to structure and tone (question 30). One can find a few other differences between the age cohorts as to specific questions in specific groupings, but only in these two areas do the patterns follow through on all four tables.

In general people who have been at Villanova for longer periods of time (Table V) profess to find greater effects from affirmative action in regards to hiring, but not in regards to either admissions or the promotion/retention/tenure process. In admissions the middle range in terms of service at Villanova finds the greatest effect, while in promotion/retention/tenure processes it is the youngest faculty in terms of service at Villanova. All three impacts are perceived as highest by the middle range group when looking at total length of service in teaching (Table IV). This apparently represents a shift of persons from the middle and lower ranges in terms of service at Villanova to the highest ranges in overall teaching

TABLE II
FACULTY RANK
QUESTIONS

<u>Professors</u>	<u>10</u>	<u>11</u>	<u>12a</u>	<u>12b</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>	<u>17</u>
No. of Responses	22	9	7	3	18	17	21	19	19
Ave.	Yes-9 No-13	Yes-7 No-2	Yes-3 No-4	3.67	1.33	1.35	1.48	1.37	1.63
<u>Asso. Professors</u>									
No. of Responses	27	12	9	3	21	25	25	25	22
Ave.	Yes-12 No-15	Yes-7 No-5	Yes-3 No-6	3.67	1.33	1.76	1.40	1.44	1.45
<u>Asst. Professors</u>									
No. of Responses	28	10	4		23	23	23	26	26
Ave.	Yes-10 No-18	Yes-3 No-7	No-4		1.39	1.87	1.57	1.23	1.81
<u>Instructors</u>									
No. of Responses	4	1	1		3	4	3	3	4
Ave.	Yes-1 No-3	Yes-1	No-1		1.00	1.75	1.33	1.33	1.25
<u>Coaches</u>									
No. of Responses	2	1	1		2	2	2	2	2
Ave.	Yes-1 No-1	Yes-1	No-1		3.50	2.50	1.00	1.00	2.50
	<u>18</u>	<u>19</u>	<u>20a</u>	<u>20b</u>	<u>20c</u>	<u>21</u>	<u>22a</u>	<u>22b</u>	<u>22c</u>
<u>Professors</u>									
No. of Responses	20	22	21	8	1	19	19	3	
Ave.	1.85	1.14	Yes-8 No-13	1.62	2.00	1.11	No-19	1.00	
<u>Asso. Professors</u>									
No. of Responses	25	25	25	5		25	26	2	
Ave.	2.32	1.40	Yes-3 No-22	1.00		1.12	Yes-1 No-25	1.00	
<u>Asst. Professors</u>									
No. of Responses	26	26	22	4		24	24	3	
Ave.	1.81	1.15	Yes-1 No-21	1.00		1.00	Yes-1 No-23	1.33	

TABLE II (cont'd)

<u>Instructors</u>	<u>18</u>	<u>19</u>	<u>20a</u>	<u>20b</u>	<u>20c</u>	<u>21</u>	<u>22a</u>	<u>22b</u>	<u>22c</u>
No. of Responses	4	4	4	1		4	4		
Ave.	1.75	1.00	Yes-1 No-3	1.00		1.00	No-4		
<u>Coaches</u>									
No. of Responses	2	2	2	2	1	2	2	1	
Ave.	3.00	1.00	Yes-1 No-1	2.50	4.00	2.00	Yes-1 No-1	1.00	
<u>Professors</u>	<u>23a</u>	<u>23b</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27a</u>	<u>27b</u>	<u>28a</u>	<u>28b</u>
No. of Responses	19	1(2)	21	22	20	20	15	19	3
Ave.	1.84	2(2) 3(6) 4(1) 5(6)	1.57	1.45	1.55	2.70	3.33	1.32	2.33
<u>Asso. Professors</u>									
No. of Responses	26	2(3)	27	26	24	23	14	23	4
Ave.	1.69	3(5) 4(1) 5(8) 6(2)	1.30	1.42	1.62	2.70	2.93	1.23	3.50
<u>Asst. Professors</u>									
No. of Responses	26	1(3)	26	26	22	24	20	23	9
Ave.	1.73	2(3) 3(7) 4(3) 5(7) 6(1)	1.46	1.54	1.82	2.75	2.10	1.78	2.67
<u>Instructors</u>									
No. of Responses	4	3(1)	4	4	4	3		3	
Ave.	1.25	5(1)	1.75	1.50	2.50	1.67		1.33	
<u>Coaches</u>									
No. of Responses	1		1	1	1	1		2	
Ave.	1.00		1.00	1.00	1.00	1.00		1.50	

TABLE II (cont'd)

<u>Professors</u>	<u>29</u>	<u>30a</u>	<u>30b</u>	<u>30c</u>	<u>30d</u>	<u>30e</u>	<u>30f</u>	<u>30g</u>
No. of Responses	22	13	11	15	9	12	7	1
Ave.	Yes-1	1.23	2.00	2.40	2.00	2.00	1.86	5.00
	No-21							
<u>Asso. Professors</u>								
No. of Responses	27	20	19	21	16	17	18	1
Ave.	Yes-3	2.30	1.74	2.19	1.31	1.47	1.83	4.00
	No-24							
<u>Asst. Professors</u>								
No. of Responses	26	19	18	16	16	17	15	1
Ave.	Yes-4	2.05	1.88	2.31	1.38	1.76	1.87	3.00
	No-22							
<u>Instructors</u>								
No. of Responses	4	3	2	2	2	2	2	
Ave.	Yes-2	1.67	1.00	2.00	2.00	2.00	2.00	
	No-2							
<u>Coaches</u>								
No. of Responses	2	1	1	1	1	1	1	
Ave.	No-2	3.00	2.00	2.00	3.00	2.00	2.00	

TABLE III

TENURE STATUS

QUESTIONS

<u>Tenured</u>	<u>10</u>	<u>11</u>	<u>12a</u>	<u>12b</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>	<u>17</u>
No. of Responses	59	27	19	5	50	51	55	55	52
Ave.	Yes-27 No-32	Yes-16 No-11	Yes-5 No-14	3.40	1.36	1.69	1.55	1.35	1.69
<u>Untenured</u>									
No. of Responses	24	7	4	1	18	21	21	22	22
Ave.	Yes-7 No-17	Yes-4 No-3	Yes-1 No-3	5.00	1.61	1.67	1.38	1.41	1.68
<u>Tenured</u>	<u>18</u>	<u>19</u>	<u>20a</u>	<u>20b</u>	<u>20c</u>	<u>21</u>	<u>22a</u>	<u>22b</u>	<u>22c</u>
No. of Responses	57	58	54	12		53	53	5	
Ave.	2.09	1.26	Yes-9 No-45	1.25		1.15	Yes-1 No-52	1.00	
<u>Untenured</u>									
No. of Responses	23	25	21	7	2	22	23	3	
Ave.	2.13	1.25	Yes-6 No-15	1.86	3.00	1.09	Yes-2 No-21	1.33	
<u>Tenured</u>	<u>23a</u>	<u>23b</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27a</u>	<u>27b</u>	<u>28a</u>	<u>28b</u>
No. of Responses	55	1(3)	58	61	51	53	40	50	11
Ave.	1.78	2(4)	1.47	1.52	1.71	2.81	3.10	1.34	3.18
		3(18)							
		4(4)							
		5(20)							
		6(1)							
<u>Untenured</u>									
No. of Responses	22	1(2)	22	21	21	18	8	17	5
Ave.	1.73	2(3)	1.36	1.57	1.67	2.17	3.12	1.47	2.20
		3(1)							
		4(1)							
		5(2)							
		6(1)							
<u>Tenured</u>	<u>29</u>	<u>30a</u>	<u>30b</u>	<u>30c</u>	<u>30d</u>	<u>30e</u>	<u>30f</u>	<u>30g</u>	
No. of Responses	59	44	38	45	34	38	33	3	
Ave.	Yes-9 No-50	2.20	1.89	2.49	1.59	1.74	1.97	4.00	
<u>Untenured</u>									
No. of Responses	24	12	11	12	10	10	11		
Ave.	Yes-2 No-22	2.08	1.45	1.67	1.70	1.40	1.45		

TABLE IV
YEARS IN TEACHING

QUESTIONS										
<u>Over 10 yrs.</u>	<u>10</u>	<u>11</u>	<u>12a</u>	<u>12b</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>	<u>17</u>	
No. of Responses	49	22	18	5	38	42	45	44	45	
Ave.	Yes-22 No-27	Yes-14 No-8	Yes-5 No-13	3.40	1.50	1.79	1.60	1.36	1.73	
<u>6-10 yrs.</u>										
No. of Responses	21	8	3	1	20	19	19	20	18	
Ave.	Yes-8 No-13	Yes-3 No-5	Yes-1 No-2	5.00	1.15	1.37	1.42	1.30	1.44	
<u>5 yrs. or less</u>										
No. of Responses	13	4	2		9	11	12	12	11	
Ave.	Yes-4 No-9	Yes-2 No-2	No-2		1.33	1.81	1.08	1.33	1.91	
<u>Over 10 yrs.</u>	<u>18</u>	<u>19</u>	<u>20a</u>	<u>20b</u>	<u>20c</u>	<u>21</u>	<u>22a</u>	<u>22b</u>	<u>22c</u>	
No. of Responses	47	47	46	10	1	45	46	5		
Ave.	1.98	1.30	Yes-6 No-40	1.60	4.00	1.16	Yes-2 No-44	1.00		
<u>6-10 yrs.</u>										
No. of Responses	20	20	16	7	1	24	16	3		
Ave.	2.05	1.10	Yes-3 No-13	1.43	2.00	1.00	No-16	1.33		
<u>5 yrs. or less</u>										
No. of Responses	12	12	13	4		11	13			
Ave.	2.33	1.00	Yes-5 No-8	1.00		1.00	Yes-1 No-12			
<u>Over 10 yrs.</u>	<u>23a</u>	<u>23b</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27a</u>	<u>27b</u>	<u>28a</u>	<u>28b</u>	
No. of Responses	45	1(3)	47	48	44	42	28	43	8	
Ave.	1.76	2(3) 3(12) 4(2) 5(15)	1.40	1.44	1.64	2.60	3.04	1.37	3.00	
<u>6-10 yrs.</u>										
No. of Responses	20	1(1)	20	21	11	17	11	16	6	
Ave.	2.05	2(2) 3(5) 4(3) 5(6) 6(1)	1.55	1.71	2.73	2.94	2.82	1.81	2.67	

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TABLE IV (cont'd)

<u>5 yrs. or less</u>	<u>23a</u>	<u>23b</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27a</u>	<u>27b</u>	<u>28a</u>	<u>28b</u>
No. of Responses	10	1(1)	12	12	12	11	6	10	2
Ave.	1.10	2(1)	1.33	1.50	1.50	2.27	3.33	1.40	2.50
		3(1)							
		5(1)							
		6(1)							
<u>Over 10 yrs.</u>	<u>29</u>	<u>30a</u>	<u>30b</u>	<u>30c</u>	<u>30d</u>	<u>30e</u>	<u>30f</u>	<u>30g</u>	
No. of Responses	49	36	33	37	28	33	29	2	
Ave.	Yes-6	2.28	1.97	2.57	1.61	1.68	1.90	4.50	
	No-43								
<u>6-10 yrs.</u>									
No. of Responses	19	13	11	12	10	11	9	1	
Ave.	Yes-3	2.08	1.64	2.17	1.80	2.09	2.33	3.00	
	No-16								
<u>5 yrs. or less</u>									
No. of Responses	13	6	5	6	5	5	5		
Ave.	Yes-1	1.67	1.20	1.33	1.40	1.20	1.20		
	No-12								

TABLE V
YEARS AT VILLANOVA

QUESTIONS

<u>Over 10 yrs.</u>	<u>10</u>	<u>11</u>	<u>12a</u>	<u>12b</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>	<u>17</u>
No. of Responses	37	17	14	5	29	31	35	34	34
Ave.	Yes-17 No-20	Yes-12 No-5	Yes-5 No-9	3.40	1.38	1.65	1.54	3.06	1.82
<u>6-10 yrs.</u>									
No. of Responses	25	10	5		23	21	21	23	21
Ave.	Yes-10 No-15	Yes-4 No-6	No-5		1.35	1.71	1.57	1.22	1.57
<u>5 yrs. or less</u>									
No. of Responses	20	6	3	1	15	19	20	19	18
Ave.	Yes-5 No-15	Yes-3 No-3	Yes-1 No-2	5.00	1.40	1.63	1.25	1.37	1.67
<u>Over 10 yrs.</u>	<u>18</u>	<u>19</u>	<u>20a</u>	<u>20b</u>	<u>20c</u>	<u>21</u>	<u>22a</u>	<u>22b</u>	<u>22c</u>
No. of Responses	35	36	34	8		33	35	2	
Ave.	2.00	1.38	Yes-4 No-30	1.25		1.12	Yes-1 No-34	1.00	
<u>6-10 yrs.</u>									
No. of Responses	24	24	21	4		23	20	1	
Ave.	2.21	1.21	Yes-2 No-19	1.00		1.04	No-20	1.00	
<u>5 yrs. or less</u>									
No. of Responses	19	19	18	8	2	18	19	3	
Ave.	2.00	1.05	Yes-7 No-11	1.75	3.00	1.17	Yes-2 No-17	1.33	
<u>Over 10 yrs.</u>	<u>23a</u>	<u>23b</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27a</u>	<u>27b</u>	<u>28a</u>	<u>28b</u>
No. of Responses	33	1(3)	35	36	33	31	27	33	8
Ave.	1.91	2(3) 3(10) 4(2) 5(14)	1.49	1.50	1.64	2.74	3.15	1.39	3.00
<u>6-10 yrs.</u>									
No. of Responses	23	2(1)	24	26	20	22	15	19	3
Ave.	1.57	3(7) 4(2) 5(5) 6(2)	1.46	1.54	1.90	2.77	3.13	1.42	2.33

TABLE V (cont'd)

<u>5 yrs. or less</u>	<u>23a</u>	<u>23b</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27a</u>	<u>27b</u>	<u>28a</u>	<u>28b</u>
No. of Responses	18	1(2)	19	18	17	15	8	14	6
Ave.	1.61	2(2)	1.37	1.56	1.53	2.40	2.88	1.64	2.83
		3(3)							
		4(1)							
		5(1)							
<u>Over 10 yrs.</u>	<u>29</u>	<u>30a</u>	<u>30b</u>	<u>30c</u>	<u>30d</u>	<u>30e</u>	<u>30f</u>	<u>30g</u>	
No. of Responses	37	29	23	29	21	25	19	2	
Ave	Yes-2	2.31	2.13	2.66	1.57	1.68	1.95	4.50	
	No-35								
<u>6-10 yrs.</u>									
No. of Responses	23	14	13	14	11	12	11		
Ave.	Yes-6	2.00	1.46	2.14	1.73	2.00	2.27		
	No-17								
<u>5 yrs. or less</u>									
No. of Responses	20	11	11	12	10	10	11	1	
Ave.	Yes-1	2.09	1.55	1.75	1.70	1.40	1.45	3.00	
	No-19								

experience. The pattern suggests considerable impact is felt by those who, while they may participate in the decision-making process, have not recently been concerned with their own fates in these processes. The pattern is confirmed when one discovers that most impacts are expected in the hiring process by those who are already tenured, while the greatest impact in the promotion/retention/tenure process is expected by those who have not yet gone through it (Table III). When one looks at rank (Table II) Assistant Professors in particular report high impacts in the promotion/retention/tenure aspects. On the other hand, those who perceive impacts have generally thought better of those impacts the older he or she was. These patterns are certainly not perfect across the several tables, but they do suggest that the decision-making groups feel they are trying to conform to governmentally defined goals, while those whose careers are still in the formative states are both uncertain as to what is being done and fearful (or perhaps hostile) to the efforts to achieve these goals. The uncertainties and fears of the junior faculty are certainly understandable given the publicity and controversies surrounding affirmative action, but both the perception of impact, and the approval of that impact, by the senior faculty is at least in part theoretical since a good part of this group have not in fact had the opportunity to test it in practice. This whole area evidences strongly held opinions with little basis in fact — either pro or con. If Villanova's experience is typical, much work will be necessary to sort out

true effects from felt effects — and the effect on feelings may turn out to be far and away the most important effect.

As to the tone and structure of life on the Villanova campus, middle to older range faculty both perceive more changes and attribute these changes more to the government than do younger faculty. While one would naturally expect older faculty to perceive more changes, one needn't have expected it to be laid at the government's door. Whether this represents genuine perception of government as the cause of change is hard to say since the faculty seem so generally uninformed as to the nature and extent of the government presence on this campus. Perhaps it represents merely a generalized dissatisfaction vaguely felt as somehow related to the government.

Differences in the perceptions of men and women faculty (Table VI) are more widespread than between age cohorts — and are harder to explain. As to affirmative action in hiring (question 27a), women are distinctly skeptical of its effects, while the men see it as rather effective. The men are almost evenly divided on whether affirmative action's effects have been good or bad, but the women make no evaluations at all (question 27b). On the other hand, women and men see changes in the tone and structure of campus life in almost identical terms except with regard to loss of privacy on campus (question 30f), where the women see more governmental causation working than the men. The men and women also do not agree on the effect of the Buckley Act (questions 17 and 18), and grade

TABLE VI

SEX

QUESTIONS

<u>Male</u>	<u>10</u>	<u>11</u>	<u>12a</u>	<u>12b</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>	<u>17</u>
No. of Responses	72	31	20	6	60	64	67	67	65
Ave.	Yes-31 No-41	Yes-17 No-14	Yes-6 Yes-14	3.67	1.43	1.73	1.51	1.39	1.65

Female

No. of Responses	11	3	3		8	10	10	9	9
Ave.	Yes-3 No-8	Yes-3	No-3		1.38	1.70	1.30	1.22	1.11

<u>Male</u>	<u>18</u>	<u>19</u>	<u>20a</u>	<u>20b</u>	<u>20c</u>	<u>21</u>	<u>22a</u>	<u>22b</u>	<u>22c</u>
No. of Responses	71	71	68	18	2	65	66	7	
Ave.	2.07	1.24	Yes-11 No-57	1.44	3.00	1.12	Yes-3 No-63	1.14	

Female

No. of Responses	9	10	8	3		10	10		
Ave.	1.67	1.00	Yes-3 No-5	1.00		1.11	No-10		

<u>Male</u>	<u>23a</u>	<u>23b</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27a</u>	<u>27b</u>	<u>28a</u>	<u>28b</u>
No. of Responses	67	1(5)	71	72	64	64	47	59	18
Ave.	1.76	2(7) 3(19) 4(5) 5(21) 6(1)	1.44	1.58	1.66	2.78	3.11	1.49	1.56

Female

No. of Responses	9	3(1)	10	8	8	7		8	
Ave.	1.22	5(1) 6(1)	1.30	1.12	2.00	1.43		1.12	

<u>Male</u>	<u>29</u>	<u>30a</u>	<u>30b</u>	<u>30c</u>	<u>30d</u>	<u>30e</u>	<u>30f</u>	<u>30g</u>
No. of Responses	71	52	45	57	41	46	42	3
Ave.	Yes-7 No-64	2.19	1.82	2.19	1.61	1.67	1.83	4.00

Female

No. of Responses	11	4	4	4	3	3	4	
Ave.	Yes-3 No-8	2.00	1.50	2.25	1.67	1.67	2.25	

inflation (question 23). In both of the cases the men, however, see much greater effect from government actions than the women. All of the differences, except the differences about affirmative action, are very difficult to explain.

Faculty were asked to give an ethnic identification on the questionnaire form. Although a few people had omitted to answer other questions about their personal characteristics, 16 (19.3%) of the faculty gave no response as to their ethnic identity. This group was too large to be disregarded (as were the one or two who did not answer for some of the other characteristics). In comparing the three groupings which resulted (caucasian, minority, and unknown — who must necessarily be overwhelmingly white at Villanova), an interesting pattern emerged (Table VII). While few differences — even as to affirmative action — appear as between caucasians and minorities, for nearly every question the unknowns report substantially greater effects for government actions than the other two groups. In evaluating these effects (questions 27b and 28b) none of these groups appears particularly positive. One may surmise that those who refused to answer with regard to their ethnic identity are more suspicious of the government, but do they really know any more than the rest of the faculty?

Only when one turns to groupings of the faculty according to subject areas (Tables VIII and IX) does one find wide differences between the groups of respondents. Areas of particular concern about particular issues become apparent, as well as patterns of overall response. Thus, for example, the Buckley Act (questions 17 and 18) is a matter of high concern

TABLE VII

RACE

QUESTIONS

<u>Caucasian</u>	<u>10</u>	<u>11</u>	<u>12a</u>	<u>12b</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>	<u>17</u>
No. of Responses	62	23	16	3	50	53	56	56	58
Ave.	Yes-23 No-39	Yes-13 No-10	Yes-4 No-12	4.00	1.32	1.57	1.41	1.25	1.62

Minority (Asian & Spanish-Am.)

No. of Responses	5	2			4	4	5	5	4
Ave.	Yes-2 No-3	No-2			1.00	1.25	1.60	1.40	1.50

Unknown

No. of Responses	16	9	7	2	15	15	15	15	12
Ave.	Yes-9 No-7	Yes-7 No-2	Yes-2 No-5	3.00	1.87	2.07	1.87	1.80	2.28

<u>Caucasian</u>	<u>18</u>	<u>19</u>	<u>20a</u>	<u>20b</u>	<u>20c</u>	<u>21</u>	<u>22a</u>	<u>22b</u>	<u>22c</u>
No. of Responses	61	60	54	17	2	55	56	7	
Ave.	2.02	1.17	Yes-6 No-48	1.39	3.00	1.04	Yes-2 No-54	1.00	

Minority (Asian & Spanish-Am.)

No. of Responses	5	4	5		5	5
Ave.	2.60	2.00	No-5		1.20	No-5

Unknown

No. of Responses	15	16	14	3	14	15	1
Ave.	2.20	1.19	Yes-2 No-12	1.33	1.21	Yes-1 No-14	2.00

<u>Caucasian</u>	<u>23a</u>	<u>23b</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27a</u>	<u>27b</u>	<u>28a</u>	<u>28b</u>
No. of Responses	57	1(4)	60	61	56	55	37	53	9
Ave	1.63	2(2) 3(15) 4(5) 5(17) 6(1)	1.40	1.51	1.75	2.69	3.19	1.42	1.78

Minority (Asian & Spanish-Am.)

No. of Responses	5	2(1)	5	5	5	5	3	3
Ave.	1.40	3(1)	1.20	1.20	1.40	2.40	3.00	1.00

TABLE VII (cont'd)

<u>Unknown</u>	<u>23a</u>	<u>23b</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27a</u>	<u>27b</u>	<u>28a</u>	<u>28b</u>
No. of Responses	14	1(1)	14	15	11	12	7	13	5
Ave.	2.07	2(4)	1.71	1.73	1.55	2.17	3.43	1.77	2.40
		3(4)							
		5(5)							
		6(1)							
<u>Caucasians</u>	<u>29</u>	<u>30a</u>	<u>30b</u>	<u>30c</u>	<u>30d</u>	<u>30e</u>	<u>30f</u>	<u>30g</u>	
No. of Responses	62	42	37	44	37	36	34	2	
Ave.	Yes-7	2.10	1.81	2.30	1.68	1.64	1.97	3.50	
	No-55								
<u>Minority (Asian & Spanish-Am.)</u>									
No. of Responses	5	3	3	3	1	4	3		
Ave		2.00	1.33	1.67	1.00	2.00	2.00		
	No-5								
<u>Unknown</u>									
No. of Responses	16	11	9	11	6	8	8	1	
Ave.	Yes-3	2.55	1.89	2.36	1.50	1.75	1.88	5.00	
	No-13								

TABLE VIII
NUMBER OF RESPONDENTS BY SUBJECT AREA

Commerce and Economics:			
Department of Accounting	1		
Department of Business Administration	3		
Department of Economics	4		
	<u>4</u>		
Education:			8
Department of Education	5		
Department of Library Science	3		
	<u>3</u>		
Humanities:			8
Department of Art and Art History	1		
Department of English	8		
Department of History	1		
Department of Modern Languages	4		
Department of Philosophy	3		
Department of Religious Studies	1		
Department of Speech Communication	2		
	<u>2</u>		
Law			20
			12
Natural Sciences and Engineering:			
Department of Astronomy	1		
Department of Biology	4		
Department of Chemistry	5		
Department of Civil Engineering	2		
Department of Mathematics	5		
Department of Mechanical Engineering	2		
College of Nursing	2		
Department of Physics	2		
	<u>2</u>		
Social Sciences:			23
Department of Political Science	3		
Department of Psychology	2		
Department of Sociology	3		
	<u>3</u>		
Miscellaneous			8
Athletic Coaches	2		
Unknown Departments	2		
	<u>2</u>		
			4
TOTAL			<u>83</u>

TABLE IX

SUBJECT AREA

QUESTIONS

<u>Area</u>	<u>10</u>	<u>11</u>	<u>12a</u>	<u>12b</u>	<u>13</u>	<u>14</u>	<u>15</u>	<u>16</u>	<u>17</u>
<u>Commerce & Econ.</u>									
No. of Responses	8	5			6	7	8	8	7
Ave.	Yes-4 No-4	No-5			1.50	2.00	1.50	1.25	2.43
<u>Education</u>									
No. of Responses	8	2	2		6	7	7	8	7
Ave.	Yes-2 No-6	Yes-1 No-1	No-2		2.17	2.43	2.00	1.25	1.57
<u>Humanities</u>									
No. of Responses	20	5	3		18	19	18	17	19
Ave.	Yes-4 No-16	Yes-2 No-3	No-3		1.06	1.63	1.17	1.06	1.47
<u>Law</u>									
No. of Responses	12	2	1	1	9	10	11	10	9
Ave.	Yes-2 No-10	Yes-1 No-1	Yes-1	5.00	1.00	1.00	1.09	1.10	1.89
<u>Natural Sciences & Engineering</u>									
No. of Responses	21	16	13	4	20	21	21	22	19
Ave.	Yes-16 No-5	Yes-13 No-3	Yes-5 No-8	3.25	1.45	1.76	1.86	1.95	1.53
<u>Social Sciences</u>									
No. of Responses	8	3	1		6	6	7	7	8
Ave.	Yes-3 No-5	Yes-1 No-2	No-1		1.50	2.00	1.57	1.00	1.88
<u>Commerce & Econ.</u>									
No. of Responses	18	19	20a	20b	20c	21	22a	22b	22c
Ave.	7 3.14	8 2.00 No-7	7	1 1.00		8 1.25	7 No-7	2 1.00	

TABLE IX (cont'd)

<u>Education</u>	<u>18</u>	<u>19</u>	<u>20a</u>	<u>20b</u>	<u>20c</u>	<u>21</u>	<u>22a</u>	<u>22b</u>	<u>22c</u>
No. of Responses	8	7	7	1		7	6	1	
Ave.	1.88	1.29	No-7	1.00		1.00	No-6	1.00	
<u>Humanities</u>									
No. of Responses	20	20	19	2		19	19	1	
Ave.	2.10	1.50	Yes-1 No-18	1.00		1.42	Yes-1 No-18	1.00	
<u>Law</u>									
No. of Responses	11	12	11	7		11	10	1	
Ave.	2.00	1.08	Yes-7 No-4	1.57		1.00	Yes-1 No-9	1.00	
<u>Natural Sciences & Engineering</u>									
No. of Responses	20	23	21	4		20	21		
Ave.	1.75	1.13	Yes-4 No-17	1.25		1.00	No-21		
<u>Social Sciences</u>									
No. of Responses	8	8	7	2		5	7	1	
Ave.	2.00	1.75	Yes-1 No-6	1.00		1.00	Yes-1 No-6	2.00	
<u>Commerce & Econ.</u>									
	<u>23a</u>	<u>23b</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27a</u>	<u>27b</u>	<u>28a</u>	<u>28b</u>
No. of Responses	8	2(1)	8	8	8	8	6	6	
Ave.	1.25	3(1)	1.50	1.62	1.50	2.88	2.83	1.00	
<u>Education</u>									
No. of Responses	8	2(1)	8	8	7	8	4	8	1
Ave.	1.50	3(1)	1.12	1.38	1.71	2.50	3.50	1.12	2.00
<u>Humanities</u>									
No. of Responses	20	1(1)	20	20	17	13	13	16	7
Ave.	1.95	2(3)	1.35	1.35	2.18	2.94	2.77	2.12	2.86
		3(9)							
		4(2)							
		5(9)							
		6(1)							

TABLE IX (cont'd)

<u>Law</u>	<u>23a</u>	<u>23b</u>	<u>24</u>	<u>25</u>	<u>26</u>	<u>27a</u>	<u>27b</u>	<u>28a</u>	<u>28b</u>
No. of Responses	9	1(1)	12	11	10	11	9	12	2
Ave.	2.22	2(1)	2.00	2.00	1.60	3.09	3.22	1.25	2.50
		3(4)							
		4(1)							
		5(4)							

Natural Sciences & Engineering

No. of Responses	20	1(1)	20	22	18	16	10	16	2
Ave.	1.45	3(4)	1.50	1.55	1.50	1.94	3.60	1.06	3.00
		5(5)							
		6(1)							

Social Sciences

No. of Responses	7	1(2)	8	8	8	7	5	7	3
Ave.	2.29	2(1)	1.38	1.50	1.50	3.29	2.80	1.86	3.33
		3(1)							
		4(2)							
		5(4)							

<u>Commerce & Econ.</u>	<u>29</u>	<u>30a</u>	<u>30b</u>	<u>30c</u>	<u>30d</u>	<u>30e</u>	<u>30f</u>	<u>30g</u>
No. of Responses	8	6	6	6	4	7	6	
		2.00	1.33	2.00	1.00	2.14	2.00	
	No-8	No-1	No-1	No-1	No-2	No-1	No-2	

Education

No. of Responses	8	6	7	7	6	6	7
Ave.	Yes-2	1.33	1.57	2.14	1.83	1.83	1.71
	No-6	No-1			No-1	No-1	

Humanities

No. of Responses	20	16	12	15	14	15	13	2
Ave.	Yes-4	2.12	2.08	2.20	1.57	1.60	1.92	2.00
	No-16	No-1	No-5	No-1	No-2	No-1	No-2	

Law

No. of Responses	12	5	5	5	5	4	4
Ave.	Yes-2	2.40	1.60	2.60	2.00	1.50	1.75
	No-10				No-2	No-2	No-2

TABLE IX (cont'd)

Natural Sciences
& Engineering

	<u>29</u>	<u>30a</u>	<u>30b</u>	<u>30c</u>	<u>30d</u>	<u>30e</u>	<u>30f</u>	<u>30g</u>
No. of Responses	22	17	12	16	10	9	9	1
Ave.	Yes-1	2.41	2.00	2.56	1.70	1.78	2.33	5.00
	No-21	No-1	No-5	No-2	No-8	No-8	No-7	

Social Sciences

No. of Responses	7	5	6	6	3	6	4
Ave.	Yes-3	1.80	1.67	2.00	1.00	2.00	1.25
	No-4	No-1	No-1		No-2		No-2

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in the College of Commerce and Finance, and only to that College. On the other hand, the Education area is much more concerned about governmental impacts on what is being studied in their area (questions 13, 14 and 15), although they are much less concerned about any governmental effects on what is taught their students (questions 16, 24 and 25). Humanities, Law, and Social Science teachers seem uniformly unconcerned (or should it be uninformed?) about the government presence. Natural Science and Engineering teachers — who as a group have had the greatest exposure to government programs through their relatively numerous grants — generally show moderately high concern, generally quite close to the average responses of all faculty (Table I), and avoiding the extremes of response that all the other subject areas exhibit to at least some questions. In particular teachers in this area seem unconcerned about the Buckley Act (questions 17 and 18). The only area with an unusually high degree of concern from the Natural Science and Engineering teachers is with regard to student research projects (question 16) where there were frequent expressions of concern over lack of funding.

Only Humanities teachers reported much impact from affirmative action in admissions, but all except the Natural Sciences and Engineering teachers report substantial impact on hiring. This impact was evaluated most favorably by the Natural Science and Engineering teachers — those who reported feeling the least impact! There was a rough inverse correlation, in fact, between those who claimed to feel an impact and those who evaluated it favorably.

Question 30 asked for a report on the perceptions of a number of closely interrelated changes in the tone and structure of campus life. A high pattern of response would indicate perception of a campus where life was becoming more formally structured and the individual faculty member was becoming relatively less in control of her or his own condition. The high pattern would also attribute these changes to the governmental presence. Both Law and Natural Sciences and Engineering teachers reported generally higher responses to this question, although Natural Sciences and Engineering also contained the largest group which reported that these changes were not occurring.

Very little was reported to suggest that any government had much to say in what courses were being taught in various departments. Naval Science (NROTC) is an obvious exception vis-a-vis the federal government. State governments have interfered more directly in this regard. Thus some law schools have had to add new required courses on Professional Responsibility because of pressure from official state agencies, while the bar exam limits considerably which courses can be omitted from the curriculum. Villanova's Law School has not had this experience of direct curriculum control, but it has had to confront the manipulation of bar exam subjects. Other departments with state licensing requirements to be met by their graduates have faced similar pressures. These pressures have not been a matter of much controversy, however, since the requirements generally reflect a professional consensus shared by the respective faculties. On the other hand, proposed state-wide or regional coordination may well be seen as a threat to established programs, and thereby become a subject of controversy.

The overall pattern of faculty response would indicate then considerable uncertainty as to what is happening, in many places bordering on downright ignorance, but with some concern, apprehension even, in at least three key areas — affirmative action, the Buckley Act, and the tone and structure of campus life. This is considerably different than the perceptions of administrators, who have largely incorporated affirmative action policies and the Buckley Act regulations into existing administrative structures with few real changes, and who further insist that there have been little or no change in tone or structure on campus. The administrators may very well be correct in their perceptions, but they have not been able to communicate the perceptions to the faculty — if they have tried. The faculty is partly to blame for few want to spend much time keeping themselves informed in detail as to administrative matters, especially the relatively dull routines which result once controversy dies away. Be that as it may, the administrators contribute to the misperceptions by behaving in a most human fashion — the loud bewailing of their fears which occurs when a government intrusion is fresh, and not yet absorbed, followed by silence once the accommodation is reached. And, if the government bureaucracy is not a major cause of the changes in tone and structure that are felt by most faculty, and only in small part blamed by them on the government, then where else can the balance lie but with the University's bureaucracy itself? While there may be good reasons for these changes as the University grows larger,

and the range of problems dealt with becomes more diverse, the challenge to the administration to ameliorate these tonal and structural changes should be clear. Not the least of the techniques for such amelioration should be a sustained effort to keep the faculty meaningfully informed as to just what is happening.

3. Students.

If faculty appeared largely unaware of the reality of government impacts on Villanova, students seemed to have only the vaguest idea that there might even be any governmental effects. Discussions with students currently on campus generally produced surprise that such questions were even asked. Students exhibited very little knowledge of even the recent past — such as the 1968 student strike or more recent law suits by students. Given the shortness of their exposure to the campus, this lack of knowledge is not surprising. Nor do students seem aware of, or concerned about their newly won rights, this despite publication of the official university policy with regard to student records in the Villanova "Blue Book" — a student guide (see Enclosure 15), and a shorter notice in the several College Bulletins (Enclosure 16). The "Blue Book" also contains the official "Code of Student Conduct," with both substantive and procedural guidelines (Enclosure 17).

Lack of ongoing student concern is borne out by the infrequency of student attempts to exercise these rights. A particularly telling instance of this was the response of one student to questions about student rights by commenting, "At least they

let us have approved parties on weekends in the dorms now, but life here is still pretty dull." While these various policy statements can each be ascribed to some extent to government policies, the virtues and the problems of Villanova as perceived by the students are generally attributed to the University administration and not to any government.

DISCLOSURE OF STUDENT RECORDS

Villanova University, in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974, also known as the Buckley Amendment, permits its students to inspect their records whenever appropriate, and to challenge specific parts of them when they feel it necessary to do so. Printed below are the specific guidelines and procedures which are to be followed.

PUBLIC RECORDS

Information concerning the following items about individual students is public (the office listed has the most accurate and up to date information):

Office of the Registrar

Tolentine 202

full name, address, telephone number, date of birth; major field of study; dates of attendance; class year; degrees and awards received; most recent previous educational institution attended;

Department of Athletics

Field House, 2nd Fl.

participation in officially recognized University athletics; weight and height of members of athletic teams;

Student Activities Office

Dougherty 214

participation in officially recognized University activities and student organizations

The foregoing public information may be released or published without the students' consent. However, students who do not wish such information to be released or made public, may inform the appropriate office in writing at the time the information is originally sought from students

CONFIDENTIAL RECORDS

Nature of Confidential Records

All personally identifiable information relating to particular students used to make decisions about students or for transmittal to others outside the University other than public records as defined above is considered confidential information. This information includes, but is not necessarily limited to:

- A. academic evaluations
- B. general counseling and advising records
- C. disciplinary records
- D. financial aid records
- E. letters of recommendation
- F. medical or health records
- G. clinical counseling and psychiatric records
- H. transcripts, test scores, and other academic records
- I. co-operative work records

Disclosure of Confidential Information to the Student Right of Inspection and Review

A currently or previously enrolled student has the right to inspect and review official records, files and data directly related to the student as a student. Access will be provided in the presence of a staff member. This right does not extend to applicants, those denied admission, or those admitted who do not enroll. Where such information involves other students, the student is entitled to inspect or be informed of that portion of the information which pertains to himself/herself only. Requests under FERPA of 1974 have been accepted since January 1, 1975, and are responded to within forty five days. Only in rare situations will the response period ever approach this limit. Offices may require that requests for access be submitted in writing, and may ask for, but not require, the reason for the request.

Definition of Official Records

For purposes of this section, the terms "official records, files and data" includes material on students pertaining to their status as students held by any unit or department of the University which is intended for University use or is to be available to parties outside the University. It does not include:

- A. letters of recommendation or statements of reference for students obtained or prepared before January 1, 1975 pursuant to implied or expressed promises of confidentiality, or personally signed letters of recommendation to which students have waived their right of access;
- B. employment records of students as University employees;
- C. campus law enforcement records held in the Campus Security Office;
- D. clinical, medical counseling, or psychiatric records (these records or copies thereof may be reviewed by a physical or other appropriate professional of the student's choice);
- E. financial records of the parents of the student or any information contained therein;
- F. private records kept by individual faculty or administrators possibly used as memory aids unless intended for transmittal to others;
- G. institutional records of students which may be maintained by the University in a computer printout or similar format (so long as this computerized information is not intended to be distributed outside the University), as long as the original source of computer information is available in the office or department having original jurisdiction for the records.

Right to Explanation

A student is entitled to an explanation of any information contained in official records directly related to the student. The student

as the opportunity for a hearing to challenge the content of such records to ensure that they are not inaccurate or misleading, or otherwise in violation of privacy or other rights; to correct or delete any such inaccurate, misleading or otherwise inappropriate data; or to insert into the records a written explanation.

The substantive judgment of a faculty member about a student's work (grades or other evaluations of work assigned) is not within the scope of such hearings. A student may challenge the factual and objective elements of the content of student records but not the qualitative and subjective elements of grading.

Hearings Procedure

The procedure to be followed should a student object to items included in his/her personal record is:

- A. the student should discuss the objection with the individual responsible for the office where the student record is maintained;
- B. if not satisfied, the student should discuss the objection with the individual to whom that person reports;
- C. if not satisfied, the student should discuss the objection with the appropriate vice-president or designee;
- D. if not satisfied, the student should file a written request for a formal hearing with the Vice-President for Student Life, Dougherty Hall, Room 202.

Waiver of Access

Students may be invited but not required to waive their right of access to confidential letters of recommendation for admission, honors or awards or career planning and placement. Students will suffer no prejudice in admission, financial aid, or other University services by reason of not executing the waiver. If the waiver is signed, the applicant may request a list of all persons making confidential recommendations or statements.

Disclosure of Confidential Information To Third Parties

Third parties do not have access to personally identifiable records or information pertaining to students as students without the written consent of the student specifying the records to be released, and to whom the records are to be released.

Excepted from this restriction are:

- A. University officials who require access on an internal need-to-know basis for legitimate educational purposes;
- B. students in their official capacity as file clerks working in University offices;
- C. disclosure of appropriate academic records to officials of other educational institutions to which the student has applied and intends to enroll (on condition that the student is entitled to a copy of such records) if the student previously directed that the record be sent;
- D. records released pursuant to judicial order (on condition that the student is notified of the subpoena);
- E. records released in connection with the student's application for, or receipt of, financial aid.

This policy does not preclude access to student records by authorized federal or state officials in connection with the audit and evaluation of federally supported education programs or in connection with the enforcement of federal legal requirements which relate to such programs.

Procedural Standards for Disclosure to Third Parties

Confidential information is transferred to a third party only on the condition that such party is informed that they may not permit any other party to have access to such information without the written consent of the student.

Parents are considered third parties and are subject to the requirements of this section (unless legal dependence defined in section 152 of the 1964 Internal Revenue Code can be shown via a sworn notarized statement and/or IRS documentation). In case of an emergency, the University may release personal information to protect the health and safety of students.

ENCLOSURE 16 - Undergraduate Full-Time
Students Bulletin, p. 93 -
Students' Rights to Record

STUDENTS' RIGHTS TO THEIR RECORDS

Family Educational Rights and Privacy Act of 1974, Public Law 93-380, as amended, provides that Villanova University students have: (1) the right to inspect their education records that are maintained by Villanova University; (2) the right to a hearing to challenge the contents of those records when they allege the records contain misleading or inaccurate information; (3) the right to give their written consent prior to the release of their records to any person, agency, or organization other than university officials and certain authorized federal and state authorities. Information about specific procedures is available upon request from the Registrar's Office.

POLICY & REGULATIONS

Purpose

A fundamental goal of the University is to provide the opportunity to the student to develop as an individual. Academic excellence and professional competence are obvious developmental aspects. Of equal importance is the cultural, social and spiritual growth of the individual. The achievement of Villanova's educational goals has as its task the harmonizing of student development in the Christian setting. Catholic theology has always maintained that grace, one's personal relationship with God, builds on nature; i.e., psychic and emotional understanding of life. It is the University's belief that a person can achieve a deeper and more personal awareness of God by attaining a healthy and reasonable independence.

It is within this framework of Christian humanism that students are expected to observe the Code of Conduct and to be responsible for their actions.

Code of Student Conduct

Disciplinary regulations of the University exist to serve as a guide for the student and to insure the proper atmosphere necessary for the academic, spiritual and social life of the student. Necessarily, much is left to the mature judgment and sense of responsibility of the individual student.

The University reserves the right to discipline any student accused of violating a University regulation, and such students will be afforded the elements of due process in all cases.

Students are expected to respect the rights of all members of the University community. In order to protect these rights, the following regulations have been established and their violation will be subject to disciplinary action. According to the gravity of such violations, sanctions up to and including a warning, probation, suspension or expulsion from the University may be imposed.

- 1) In an effort to provide adequate security for the members of the University community, every student must carry an identification (I.D.) card, issued by the University. Upon request, students must surrender the I.D. card to authorized personnel (e.g. security guards, Dean of Men/Women, resident counselors, etc.), and to comply with the directions of such officials in the performance of their duties.
- 2) Actions or behavior, including threats, which endanger the safety of others or causes injury to another person on University property is prohibited.
- 3) Disorderly or indecent conduct on University property is prohibited.
- 4) Tampering with, or misusing, fire alarm or fire-fighting equipment is an offense which jeopardizes the safety of members of the community and is prohibited.
- 5) The stealing, damaging, defacing or deliberate destruction of property is forbidden.
- 6) Forgery, alteration or use of University documents, records, or other means of identification with intent to defraud is prohibited.
- 7) The unauthorized entry into or use of University facilities, as well as the illegal possession, duplication or unauthorized use of keys to University facilities, is forbidden.
- 8) The sale, possession, production, purchase or use of any explosives, fireworks, incendiary devices or lethal weapons on University property is forbidden.
- 9) The sale, possession, production, purchase or use of marijuana, habit-forming barbiturates, amphetamines, hallucinogens or other addictive or illegal drugs on University property is forbidden.
- 10) The possession, purchase, attempt to purchase, consumption or transportation of alcoholic beverages by any person under twenty-one years of age is illegal under the Pennsylvania State Law. It is also illegal to give or sell alcoholic beverages to a minor. Students who are twenty-one years of age or older are permitted by the University to consume alcoholic beverages in moderate quantities in dormitory rooms; however, students are not permitted to consume alcoholic beverages in public places or buildings on University grounds or to dispense alcoholic beverages at functions sponsored under the name of the University without the expressed approval of the Vice President for Student Life.
- 11) Visitors of the opposite sex are not permitted in the residence halls except in areas officially designated as public lounges. Exceptions are made for specified times as announced by the Vice President for Student Life.
- 12) Hazing, especially the unauthorized entrance of the rooms of other students, is not permitted. No one is to be subjected to personal indignities.
- 13) Resident student dining privileges are non-transferable.
- 14) The posting or distributing of advertisements for the promotion of commercial interests is prohibited. Permission for the showing or selling of merchandise must be obtained from the Dean of Student Activities.
- 15) Smoking is not permitted in any classrooms.
- 16) The appropriation of University property for private use, such as dining room equipment, laboratory equipment or library books is prohibited.

Sanctions for Violations of Regulations:

The following disciplinary sanctions shall comprise the range of official action which may be imposed for violation of regulations. One or more may be imposed in response to a given situation:

1. Verbal Warning

A reminder that previous conduct was questionable or in violation of stated regulations or policies and that the University wishes to show concern that students be aware of and abide by such policies.

2. Written Disciplinary Warning

An official written notice to a student that a particular action or type of behavior is in violation of stated regulations or policies and therefore unacceptable; continuation of similar behavior or future violations may be cause for more severe disciplinary action. A copy of the notice is maintained in a disciplinary file in the Office of the Dean of Men/Women.

3. Residence Hall Probation

An official written notice to a resident student, usually in a situation where the student has already received a verbal or written warning, that previous conduct with regard to residence hall policies and regulations has been unacceptable and that future violations would result in more severe disciplinary action, including the possible loss of campus residence. Probation lasts for a stated period of time and a copy of the probation notice is maintained in a disciplinary file in the Office of the Dean of Men/Women.

4. Disciplinary Probation

An official written notice to a student that violations of University regulations or policies or patterns of behavior contrary to University standards or expectations will not be tolerated and that repeated offenses

would result in more severe action, including possible suspension or expulsion from the University. Disciplinary probation lasts for a stated period of time and a copy of the probation notice is maintained in a disciplinary file in the Office of the Dean of Men/Women. A student on Disciplinary Probation is not in good standing and may neither represent the University in inter-collegiate activity nor hold any elected or appointed office in a University-recognized organization. A student on disciplinary probation may petition the Office of the Dean of Men/Women to be removed from probationary status if the student feels that circumstances warrant such consideration.

5. Loss of Campus Residency

An action which excludes a student from residence on campus for a stated period of time. This action is recorded in the confidential disciplinary records on file in the Office of the Dean of Men/Women. A student who loses campus residency shall be considered for future on-campus accommodations as space permits.

6. Suspension

An action which excludes a student from registration, class attendance, residence on campus, and use of University facilities for a specific period of time. Suspension is recorded on a student's educational record (transcript) and is recorded in the confidential disciplinary records on file in the Office of the Dean of Men/Women. Upon termination of the period of suspension, the student shall be considered for registration in compliance with academic admission standards then in effect.

7. Expulsion

An action which permanently excludes a student from registration, class attendance, residence on campus, and use of University facilities. Disciplinary expulsion is recorded on a student's educational record (transcript) and is recorded in the confidential disciplinary records on file in the Office of the Dean of Men/Women.

8. Reimbursement and Fines

An action which requires a student to pay for damages to or misappropriation of University property or the property of members of the University community. Such reimbursement shall be charged to any student who alone, or through group concerted activities, organizes or knowingly participates in the events causing the damages or costs. The imposition of a fine is often considered an appropriate response to the violation of University policies and regulations. It is often an alternative to a more serious disciplinary action. Both reimbursement and fining may be imposed separately in addition to other sanctions.

9. Community Obligation

An action which requires a specified number of hours of uncompensated service at some task recognized as valuable to the University community. The particular assignment of duties would be made by the Office of the Dean of Men/Women, and the person under whose direction the work is done shall certify to the Dean's Office when the work has been completed satisfactorily. Failure to complete the service within a specified period of time would result in more serious disciplinary action being taken. At the discretion of the dean, an obligation of work at some recognized service for the community at large may be substituted for the on campus service.

any decision involving other sanctions may be appealed only if there exists additional evidence which was not considered by the dean or if there is some question or complaint regarding procedural matters, that is, whether the student was afforded the elements of due process.

In cases where an appeal to the Vice President for Student Life is appropriate, the student must notify the Dean of Men/Women in writing of the intention to appeal no later than ten days following the dean's decision and must petition the Vice President in writing at least four days in advance of a scheduled hearing.

Appeal Procedure for Disciplinary Action

Disciplinary decisions made by the Dean of Men or Dean of Women may be appealed to the Vice President for Student Life under the following provisions:

any decision involving suspension or expulsion may be subject to review by the Vice President.

IV CONCLUSIONS

The Federal and State governments have in the past two decades launched a vast number of programs to help and to regulate higher educational institutions. In certain restricted areas these programs have been effective in inducing changes at Villanova University. These areas generally have been where one or another government has provided money, primarily in the form of student financial aid, and to a much lesser extent at Villanova in the form of capital assistance and research grants. There is, however, remarkably little evidence that these funds have had any direct effect on campus priorities, tone, or structure. Where such changes have occurred at Villanova, they almost always can be accounted for by decisions being made on campus quite independently of any government incentives or requirements — such as the decision to become fully coeducational in 1969. Evidence of direct effect of government policies which do not involve funding is even more rare. These programs — such as affirmative action, student control of access to their records, or various regulations of terms and conditions of employment — have produced much alarm when they were first enacted, but are rather quickly absorbed into decision-making routines with few real changes in what actually happens on campus. The second order

*This pattern is hardly unique to institutions of higher education. See the article on "Federal 'Red Tape'" in New York Times, Sept. 25, 1977, p. 41, col. 1.

effects of these (and of other government policies which are not at all directed at campuses) may be quite profound — such as grade inflation or the failure of affirmative action to induce changes in the racial mix on campus. Such indirect effects are even more difficult to definitely demonstrate or to evaluate in terms of the asserted goals of the various policies or programs. Judging government programs and policies from their direct effects, however, one would have to adjudge most of the programs or policies to have failed to bring about changes, although these policies might have helped preserve existing patterns, including existing patterns of change. The following is a summary of the specific changes found on the Villanova campus.

The student body has grown somewhat larger because of the availability of financial aid. This student body has remained, however, almost wholly white and middle to upper class. The only discernible effect on enrollment patterns to date has been the somewhat accelerated growth of the College of Nursing and the substantial NROTC program at Villanova. Meeting the athletic needs of coeds has also been accelerated. Funds have also made possible the construction of better buildings in a few cases, and the undertaking of better research projects for those faculty who have been fortunate enough to receive substantial research grants. In the professional schools, courses of instruction have had to be tailored to meet the requirements of state licensing bodies, although this has often been through indirect means, such as the manipulation of the subject matter

covered by state license examination. A great deal of paper shuffling has resulted from other state or federal policies or programs, but little else can be discerned in terms of substantive changes.

As to changes in administrative procedures, less has occurred even here than one might expect to find. Only the Financial Aid Office spends as much as 50% of its time dealing with government policies or programs. Most other offices spend less than 25% of their time on such matters, and have generally incorporated these policies and programs into existing structures with minimal effect.

The tone of campus life appears to be gradually changing. Decisions are being made in more formally structured processes, and decisions are being made more centrally in the University. Some faculty, at least, feel a loss of autonomy and privacy to a bureaucracy which, while not yet anonymous, is slowly becoming faceless to many faculty. While governmental regulations may accelerate this somewhat, the root causes would appear to be more basic — the growth of campus size, and the growing ease of gathering information centrally to permit centralized decision-making. Villanova is still small enough that these factors, even combined with the push of government programs, have not yet completely transformed the small college ideal. But these changes have begun, and presumably will continue absent some basic change of direction on the part of the University administration.

All of the foregoing facts raise an intriguing question. One discovers, upon looking at the federal government, a vast number of programs, some (at least) of which were intended to bring about almost revolutionary changes on campuses in America. On the Villanova campus, however, these programs have generally had either a conservative* impact, or almost no discernible impact at all. One must ask, "Why?", and "What can be done to change this?"

In part the failure of federal programs is because the regulations come some time after major changes in the society as a whole. In many cases, Villanova had already reacted to the social changes before the regulations were enacted or promulgated. To the extent that this sequence occurred at Villanova the resulting paper work that the regulations bring are seen as pure cost with no substantial benefit except perhaps at the very general level of benefit to society as a whole. Such an explanation, however, hardly explains the continuing lack of change in the campus racial mix, or the relative lack of success of Villanova faculty in securing research grants to take only two examples. Here the causes of failure lie in major part in the federal programs themselves.

Federal programs are often, and often needlessly, confusing and contradictory, and occasionally irrelevant. State programs

*By conservative here is meant a preservation of existing conditions and existing patterns of change.

often only compounds the difficulties. These policies and programs are the responsibilities of just too many agencies with no central coordination of their activities. Such coordination, especially if it included state as well as federal programs (perhaps along the lines of HEGIS), would at least eliminate a good deal of confusion as to just what the governments involved are seeking to achieve in the schools. This would be particularly true with regard to governmentally sponsored research, but it would also be helpful with regard to student financial aid, safety and health standards, and perhaps in other areas as well.

Perfect coordination would not, however, resolve all the problems in ineffectiveness of governmental programs. Federal programs in particular suffer from being too remote from the problems against which the programs are directed, and the scale is just too large for realistic detailed central supervision. These problems are particularly pronounced in regard to student financial aid, affirmative action, and occupational safety and health standards. A solution to these problems would require much greater decision-making authority to the campus involved. Such delegation could also be an important means whereby the much needed coordination could be achieved. Such an approach would relegate the federal government, at least, to the role of defining goals, and perhaps a range of acceptable strategies, with only general supervision of the actual decisions made on campus.

Perhaps such reforms would be seen as a surrender to the campuses, but, if Villanova's experience is any guide, will this be any different in substance from what is already happening. The virtue of such an approach would be a minimization of the paper work which today in certain programs (particularly financial aid) seriously interferes with the supposed goals of the programs involved. Without such changes little change of substance can be expected except possibly on campuses which are "targeted" for compliance review by the agencies involved.